Submission to Parliament
Under Section 45(4)
Of the Land Administration Act 1997

PROPOSAL

Submission No: 1/2018

Submitted by the
Minister for Lands

on ..................... of .................................. 20 ..........
(day)  (month)  (year)
SUBMISSION TO PARLIAMENT
UNDER SECTIONS 42(4), 44(1) OR 45(4)
OF THE LAND ADMINISTRATION ACT 1997

The proposal detailed in this report is required by the above provisions to be laid before each House of Parliament.

Section 43 of the Land Administration Act 1997 provides as follows:

43(1) If, after a proposal is laid before each House of Parliament under Sections 42(4), 44(1) or 45(4) notice of a resolution disallowing the proposal—

(a) is not given in either House of Parliament within 14 sitting days of that House after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after the last day of the later of those periods of 14 sitting days;

(b) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is not lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission lapses; or

(c) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after that loss or after the later of those losses, as the case requires.

(2) It does not matter whether or not a number of sitting days referred to in subsection (1) or some of them occur during—

(a) the same session of Parliament; or

(b) the same Parliament,

as that in which the relevant proposal is laid before the House of Parliament concerned.

The proposal set out in this report is accordingly tabled in this House on this.............. day of .......................2018

HON-RITA SAFFIOTI MLA
MINISTER FOR LANDS
(or her representative in the Legislative Council)
EXCISION OF LAND FROM CLASS A RESERVE 31880 UNDER SECTION 45(4) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

Class A Reserve 31880 is set aside for the purpose of "Water and Conservation of Flora and Fauna" and vested in the Conservation and Parks Commission under the Conservation and Land Management Act 1984. The reserve is known as the Lake Muir Nature Reserve (LMNR).

The Department of Biodiversity, Conservation and Attractions (DBCA) is seeking to formalise access to Lot 1529 on Deposited Plan 115296 from Geordinup Road. The current landowner uses an existing track which does not follow the alignment of the dedicated public road. The unconstructed road reserve is uncleared and part of the LMNR. It is proposed to create a road reserve over the current access track and to close and add the uncleared road reserve into the LMNR.

DBCA is supportive of this proposal as it formalises the on-ground access and adds an unused road reserve to LMNR ensuring that further clearing at the Muir-Byenup Ramsar site is avoided.

It is proposed to amend Class A Reserve 31880 by the excision of approximately 1.45 hectares for dedication as public road and the addition of approximately 1.64 hectares being proposed closed road. The proposal is shown on the SmartPlan at Annexure 1.

The Minister for Environment and Conservation and Parks Commission have approved the proposal in accordance with section 45(2) of the LAA (Annexure 2).

In accordance with section 45(5) of the LAA, the proposal was advertised in The West Australian newspaper. At the conclusion of the designated period for comments, no submissions were received. A copy of the approved advertisement is at Annexure 3.

ELECTORAL DISTRICT OF WARREN-BLACKWOOD
SOUTH WEST REGION
SHIRE OF MANJIMUP
Proposed Road Dedication

Proposed Road Closure

R 31880
13200
268.21 ha

Scale: 1:7018 (Geographical)
MGA: SW=475973.4E,6181676.881 Zone 50 / NE=477440.1E,6183879.794 Zone 50
Lat/Lon: 116°44'17.745", -34°30'22.561" / 116°45'15.482", -34°29'07.915" H 211mm by W 210mm

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Amendments to Lake Mulr Nature Reserve
Class A Reserve 31880
Change of gazetted road alignment
Shire of Manjimup

BYENUP LAGOON

Proposed dedication of current road alignment

Proposed closure of existing unconstructed road

Legend
- Proposed addition
- Proposed excision
- Crown Reservoir
- Freehold
- Conservation Park
- National Park
- Nature Reserve

Lake Mulr
Nature Reserve
A31880

NEERNUP SWAMP

Produced by the
Department of
Environment and Conservation

Ref. 2002151941
Produced at 1049 on 13/01/2013
PROPOSED EXCISION FROM AND ADDITION TO LAKE MUIR NATURE RESERVE (CLASS ‘A’ CROWN RESERVE NO. 31880)

☑ SUPPORTED
☐ NOT SUPPORTED

CONSERVATION COMMISSION OF WESTERN AUSTRALIA

10/12/14
PROPOSED EXCISION FROM AND ADDITION TO LAKE MUIR NATURE RESERVE (CLASS 'A' CROWN RESERVE NO. 31880)

ISSUE

Your approval is sought to excise approximately 1.45 hectares from Lake Muir Nature Reserve (class 'A', Crown Reserve No. 31880) and add approximately 1.64 hectares to the same reserve.

BACKGROUND

The owners of Lot 1529 on Plan 115296 are seeking to formalise access to their property from Geordinup Road. The existing access track does not follow the gazetted road reserve. The gazetted road alignment is uncleared and is managed as part of Lake Muir Nature Reserve. The current access track is in good condition and is used by the owners of Lot 1529. It is proposed to create a road reserve over the current access track and add the existing, uncleared road reserve to Lake Muir Nature Reserve (Attachment 1).

To create the new road reserve an excision of approximately 1.45 hectares will be required from Lake Muir Nature Reserve, however the addition of the unused road alignment will add approximately 1.64 hectares to the reserve.

The Department of Parks and Wildlife is supportive of this proposal because it formalises the on-ground access, and adds an unused road reserve to Lake Muir Nature Reserve ensuring that further clearing at the Muir-Byenup Ramsar site is avoided.

CURRENT STATUS

The Conservation Commission of Western Australia considered this proposal at its meeting of 10 February 2014 and provided its endorsement (Attachment 2).

Under section 45(4) of the Land Administration Act 1997, the excision of land from a class 'A' nature reserve to create a road requires the consent of the Minister for Environment.
Such road excisions are required to be tabled in Parliament and are subject to disallowance. There is no requirement for you to table the associated papers in Parliament, as this will be done by the Minister for Lands, Hon Terry Redman MLA, who is responsible for administration of the *Land Administration Act 1997*.

**RECOMMENDATION**

That you:

1. note this information; and

2. approve the proposed excision of 1.45 hectares from and the addition of 1.64 hectares to Lake Muir Nature Reserve to rationalise access to Lot 1529.

☐ APPROVED  ☐ NOT APPROVED

Peter Dans
ACTING DIRECTOR GENERAL
7 April 2014

Att

Minister for Environment
11 Apr 2014
CLASS ‘A’ RESERVE 31880
Lake Muir Nature Reserve, Shire of Manjimup

I, Colin Slattery, Director General, Department of Lands under delegation of Minister for Lands, gives notice pursuant to section 45(5) of the Land Administration Act 1997, that it is intended to act in relation to Class A Reserve 31880 ”Lake Muir Nature Reserve” in the Shire of Manjimup.

It is proposed to amend Class A Reserve 31880 by the excision of approximately 1.45 hectares for dedication as public road and the addition of approximately 1.64 hectares being proposed closed road.

Prior to proceeding with this action, you have the opportunity to provide comments on the proposal within 30 days of the publication of this notice. To enable your comments to be taken into account, please submit your reply email to cherylynne.forrest@lands.wa.gov.au or by mail to Department of Lands, PO Box 1221, West Perth WA 6872 or telephone (08) 9791 0837, quoting the following reference numbers;

File No. 03176-1962 (Job No. 141132).

Colin Slattery
DIRECTOR GENERAL
DEPARTMENT OF LANDS
For and on behalf of the Minister for Lands, under delegation.