Submission to Parliament
under section 45(4)
of the Land Administration Act 1997

PROPOSAL

Submission No: 06/2021

Submitted by the
Minister for Lands

on of 2021
SUBMISSION TO PARLIAMENT
UNDER SECTIONS 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 2021,

DR TONY BUTI MLA
MINISTER FOR LANDS
(or his representative in the Legislative Council)
Porongurup National Park, being Class 'A' Reserve 18987 (Reserve), is set aside for the purpose of 'National Park'. The Reserve is vested in the National Parks and Nature Conservation Authority, a subsidiary of the Department of Biodiversity, Conservation and Attractions (DBCA) and located within the Shire of Plantagenet (Attachment 1). In order to correct the tenure of a road alignment within the Reserve, it is proposed to:

- Excise a 0.52 hectare area from the Reserve to formally dedicate it as Millinup Road (shown hatched red on Attachment 2); and
- Close a 0.62 hectare portion of unconstructed dedicated road for subsequent amalgamation into the Reserve (shown hatched green on Attachment 2).

On 13 December 2012, the then Minister for Environment provided consent to the proposed excision and addition (Attachment 3), as required under section 45(2) of the LAA.

In accordance with section 45(5) of the LAA, the proposal was advertised in The West Australian on 7 June 2021. At the conclusion of the designated period for comments, no objections were received (Attachment 4).

As the Reserve has Class 'A' status, it is necessary to obtain the approval of both Houses of Parliament to amend the Reserve, as per section 45(4) of the LAA.
PROPOSED AMENDMENTS TO CLASS 'A' RESERVE 18987 PORONGURUP NATIONAL PARK

SHIRE OF PLANTAGENET
FILE 8711-1912 V6

Extent of A RES 18987
Area - 2620.9620 ha

Proposed new road for excision from Reserve
Area - abt 4900m²

Proposed closure of road for inclusion into Reserve
Area - abt 6230m²

Landgate
WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY
Cadastral data derived from SCDB - June 2013

REF K:\work\dps\conceptplans&sketches\concept\conl72.dgn
DRAWN PWK 28/6/2013
Proposed excision of Millinup Road from Porongurup National Park (A18987)
Shire of Plantagenet

Legend
- Excision for Millinup Road
- Proposed addition
- Public Roads
- DEC Estate (statewide)
- Conservation Park
- National Park
- Nature Reserve
- State Forest

Projected: Universal Transverse Mercator
MGA Zone 50, Datum: GDA94

Produced by Nicola Mindham, Department of Environment and Conservation
Carmen O'Hehir  
A/State Land Officer – South East Team  
Lands Division  
Department of Regional Development and Lands  
PO BOX 1143  
WEST PERTH WA 6872  

Attention: Carmen O'Hehir  

PROPOSED EXCISION OF MILLINUP ROAD AND THE ADDITION OF A PORTION OF UNMADE ROAD RESERVE TO PORONGURUP NATIONAL PARK (CLASS A, CROWN RESERVE NO. 18987).  

I write regarding our correspondence of 17 September 2012 in which I provided you an update for the above proposal.  

I can now advise that the Minister for Environment has provided his support for the excision of Millinup Road from the Porongurup National Park (Class A, Crown Reserve No. 18987) and the addition of unmade road reserve to the same park. A copy of the Minister's approval is attached.  

As part of the Shire of Plantagenet's proposal to rationalise Millinup Road the Department of Environment and Conservation sought the Minister's support for the excision. DEC kindly requests the Department of Regional Development and Lands to undertake the necessary actions, as required under section 45(1) of the Land Administration Act 1997.  

A map of the proposed amendments to the park is at Attachment 2.  

If you have any other queries regarding this proposal please contact Nicola Mincham on 9219 8777.  

Yours sincerely  

[Signature]  

for Keiran McNamara  
DIRECTOR GENERAL  

9 January 2013  
Att:
MINISTER FOR ENVIRONMENT

REQUEST FOR FURTHER INFORMATION ON LAND PROPOSED FOR ADDITION TO DEC-MANAGED CONSERVATION ESTATE

ISSUE

I refer to your office’s requests (tagged yellow on each of Attachments 1-4) for further advice regarding stakeholder consultation and resource prospectivity in respect of a series of generally small, miscellaneous proposed additions to the DEC-managed conservation estate.

BACKGROUND

In relation to my memo of 14 May 2012 regarding the excision of Millinup Road from the Porongurup National Park and the proposed addition of 0.62 hectares (MINE1441/12, Attachment 1), as the proponent of this proposal, the Shire of Plantagenet is undertaking consultation with the public and other stakeholder groups including government departments such as the Department of Mines and Petroleum (DMP). A DEC review of the DMP Tengraph database shows no tenements over the proposed addition (Attachment 1a).

With reference to my memo of 14 May 2012 regarding the addition of Crown Reserve No. 22055 to Nuytsland Nature Reserve (MINE1442/12, Attachment 2), as part of the stakeholder consultation, DEC wrote to the Shire of Dundas, DMP and the Conservation Commission. The proposal was supported by both the Shire of Dundas (Attachment 2a) and DMP, who advised that there are no mineral occurrences or affected mining tenements in the proposal area (Attachment 2b). The proposal was also endorsed by the Conservation Commission at its meeting of 12 March 2012 (Attachment 2c).

In regard to my memo of 15 June 2012 regarding proposed amendments to the Mollerin Nature Reserve (MINE1443/12, Attachment 3), DEC consulted with the Shire of Koorda, DMP, native title claimants and the Conservation Commission. Both the Shire of Koorda and DMP have indicated they have no objections to the proposal and DMP also advised that there are no known mineral resources or affected mining tenements in the proposal area (Attachments 3a and 3b). The Chair of the Conservation Commission, under delegated authority, endorsed the proposal on 21 February 2012 (Attachment 3c).

In relation to my memo of 15 June 2012 regarding proposed additions to Beelu National Park (MINE1695/12, Attachment 4), DEC consulted with DMP who had the area assessed for mineral resource potential by the Geological Survey of Western Australia before providing a response.
The advice received by DEC indicated that the proposal raises no significant exploration access issues, as the region is already effectively unavailable to mining and exploration by catchment zone regulations, residential development, small farms and orchards; and DMP advised of its support for the proposal, subject to two conditions (Attachment 4a).

It is standard practice to refer all proposals to create conservation reserves to DMP, the Department of Regional Development and Lands, the relevant local government authority and the owner/manager of the land, for support and comment on the proposal.

RECOMMENDATION

That you:
1. note this information; and

2. approve the recommendations at each of Attachments 1-4 by signing this briefing note.

Keiran McNamara  
DIRECTOR GENERAL  
3 December 2012

Att

Bill M   
MINISTER FOR ENVIRONMENT  
13 DEC 2012
I, Hon Dr Tony Buti MLA, Minister for Lands, give notice pursuant to section 45(4) and 45(5) of the Land Administration Act 1997, that it is intended to act in relation to Class 'A' Reserve 18987 (Porongurup National Park), Shire of Plantagenet.

Excision of 0.52 hectares from Porongurup National Park shown as Lot 1036 on Deposited Plan 230652 to facilitate the dedication of Millinup Road that has been constructed and the inclusion of 0.62 hectares of unconstructed road reserve to the same park. The Minister for Environment has consented to the proposal.

The subject land intersects with Millinup Pass Road in the locality of Porongurup, Shire of Plantagenet.

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 to Tina Mead, tina.mead@dplh.wa.gov.au or the Department of Planning, Lands and Heritage, Locked Bag 2506 Perth WA 6001 or telephone (08) 9791 0899 quoting the following reference numbers:

File No: 08711-1912
Job Number: 120124

Hon Tony Buti MLA
MINISTER FOR LANDS

DOPLH 18105