



CONSERVATION COMMISSION OF WESTERN AUSTRALIA

POSITION STATEMENT No. 8

November 2013

MINOR CHANGES TO CONSERVATION ESTATE

Objective

The aim of this position statement is to outline criteria for a delegate of the Conservation Commission of Western Australia (Conservation Commission) to determine whether a proposed change to the conservation estate is sufficiently significant to warrant being considered by the full Conservation Commission or whether it is a minor change that can be approved under delegation in accordance with section 26AA of the *Conservation and Land Management Act 1984* (the Act).

The following table includes relevant functions of the Conservation Commission that may be subject to delegation pursuant to section 26AA of the Act.

Functions and consultation	Section of the Act
<i>Purpose of certain land, cancelling or amending; area of certain land, changing</i>	
In accordance with section 17, to consider any cancellation or change of purpose, or boundary alteration, of land vested in or under the care, control and management of the Conservation Commission, whether solely or jointly with an associated body.	19(e)
Nothing in this section applies to—(a) State forest, or (b) conservation parks; or (c) national parks referred to in section 6(3)(b); or (d) land classified under the <i>Land Administration Act 1997</i> as a class A reserve or under section 13(4) as of Class A, but otherwise this section applies to all land to which the Act applies.	17(1)
The Conservation Commission [...] shall consider any proposal referred to it under section 17(2) and shall notify the Minister whether it—(a) approves the proposal; or (b) declines to approve it; or (c) approves it in a modified form; or (d) approves it subject to any condition.	17(3)
<i>Permits, licences, contracts, leases, etc</i>	
Leases, licences and permits (including apiary permits) forwarded to the Conservation Commission for consultation.	87A(1)(b) and 99(1)(aa)

Referral to the Conservation Commission

If a matter referred to the Conservation Commission meets one or more of the following criteria, it is to be presented to the full Conservation Commission.

1. All items that are considered to be significant or controversial. The Director is to make that determination and in the event of there being any doubt or ambiguity the matter is to be referred to the full Commission;



2. If a proposal is likely to generate significant public interest;
3. If the matter affects heritage values;
4. If it is considered that a proposal should not be approved;
5. In all matters that might impact upon the decision making process of another statutory body (e.g. the Marine Parks and Reserves Authority) and the results of consultation with that body are not presented by the proponent, the Director must ascertain the views of that body. In the event of there being any concern about a decision being recommended the matter must go before the full Conservation Commission.
6. If a matter affects threatened flora, fauna or a threatened ecological community.

Specifically for minor changes to the conservation estate:

7. If a proposal affects more than 5 hectares or 5 per cent of a reserve, whichever is the smaller, the matter must go before the full Conservation Commission.
8. Regardless of criteria (6) all proposals for the establishment of infrastructure corridors through the conservation estate, inclusive of roads, where the width of the corridor is greater than 60 metres must go before the full Conservation Commission.
9. If a proposal is for a development in stages, details of all stages of the project are to be provided and the area criterion, identified in point 6, is to be applied to the entire project.
10. Proposals concerning a direct land swap to correct the tenure for an established road or railway and resulting in no effective change to management may be agreed under delegation regardless of the area of land involved.

The delegation of matters that are not subject to the above criteria will facilitate a timely response and assist the Conservation Commission in the delivery of its functions under the Act. Particularly, it allows the Conservation Commission to address matters of a significant nature that may impact on biodiversity conservation and the management of vested lands.

Review

This position statement will be reviewed on an annual basis to ensure it is achieving the intended outcomes and that the delegation remains appropriate