

RESERVE ACTION SHEET: CONSERVATION RESERVES

RESERVE No. 27288

LOCAL GOVERNMENT: Shire of Exmouth

NAME: Cape Range National Park

PURPOSE: National Park

VESTING: Conservation and Parks Commission

ACTION: Addition of 19534 hectares to the national park, and joint vesting with the Conservation and Parks Commission, and Nganhurra Thanardi Garrbu Aboriginal Corporation.

Total Area: 67189 hectares

REASON FOR ACTION: Addition and joint vesting actions were commitments in the Ningaloo Conservation Estate Indigenous Land Use Agreement, negotiated under the Plan for Our Parks initiative with the Nganhurra Thanardi Garrbu Aboriginal Corporation.

Date of amendment: 03/11/2021


Maps: Attachments 1 & 3

Customer advice: Attachment 2

Proposal Summary: Attachment 3

Recommended IUCN classification: 2

Native Title: Gnulli People – Baiyungu and Thalanyji

1 LAND UNIT LEADER	To note	 12/01/22
2 LAND UNIT	Send scan of RAS, customer advice, Reserve Enquiry Detail and maps to:	
	• Lisa Wright (Kensington) DIGITAL COPY	MH 12/01/2022
	• District Manager DIGITAL COPY	MH 12/01/2022
	• Regional Manager DIGITAL COPY	MH 12/01/2022
	• Geoffrey Banks GIS Branch DIGITAL COPY	MH 12/01/2022
	Attach Landgate RED to file	MH 11/01/2022
	Strikethrough from District Proposals spreadsheets	N/A
	Create Conservation Commission summary	MH 11/01/2022
	TENIS amended	
3 EXECUTIVE DIRECTOR, PARKS AND VISITOR SERVICES	To note	

Cape Range National Park (with additions)



**Customer Advices for Reserve Actions
1/12/2021 - 31/12/2021**

Shire of Exmouth 1/12/2021 - 31/12/2021

Reserve No.	Land Description	DPLH File No.	Volume/Folio	Action	Document No.	Registered	Street Name	Area	Public Plans
27288	Lot 52 on Deposited Plan 28125 Lot 106 on Deposited Plan 28125	01352-1964	3124-553 3124-554	Order for Addition of Land to Certain Class 'A' Reserves to & area = 67188.9992 Hectares	O928542	03/11/2021	Cape Range National Park	67188.9992 Ha	
27288; 27288	Lot 52 on Deposited Plan 28125 Lot 106 on Deposited Plan 28125	01352-1964	3124-553 3124-554	Revocation of Management Order No. Unnumbered being the Order in	O928540	03/11/2021	Cape Range National Park	47655 Ha	



MINISTER FOR ENVIRONMENT; CLIMATE ACTION; COMMERCE

Our Ref: 76-01519

HON DR TONY BUTI MLA
MINISTER FOR LANDS

RECEIVED	
MIN 352/21	
10 JUN 2021	
Office of the Director General	
DIV:	DUE:

PLAN FOR OUR PARKS - RESERVATION AND JOINT VESTING OF THE NINGALOO (NYINGGULU) CONSERVATION ESTATE

I write regarding the Ningaloo (Nyinggulu) Conservation Estate Indigenous Land Use Agreement (the Ningaloo ILUA) between the State and the Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC).

I write to advise that, in accordance with the terms of the Ningaloo ILUA, I have endorsed the following land actions:

- a) addition of Lot 300 on Plan 421175 to Cape Range National Park (Class A, Reserve No. 27288); and
- b) reservation of an unclassified conservation park over Lots 301, 302 and 305 on Plan 421175.

In May 2021, I provided written determination to jointly vest with the Conservation and Parks Commission (CPC) and NTGAC the following areas:

- a) Lots 301, 302 and 305 on Plan 421175 (proposed conservation park);
- b) Cape Range National Park (Class A, Reserve No 27288), including Lot 300 on Plan 421175); and
- c) proposed Cape Range (South) National Park (Class A, Reserve No. 53770).

The Department of Biodiversity, Conservation and Attractions consulted the CPC and NTGAC, and both have provided consent to the joint vesting within the Ningaloo ILUA. As such, the requirements of section 8AA(2) of the *Conservation and Land Management Act 1984* have been met.

I ask that you request the Department of Planning, Lands and Heritage to undertake the necessary reservation actions to create the reserves identified in this letter, and create sundry documents to endorse the Crown Land Titles to reflect my determination of joint vesting. This letter can be lodged with Landgate's Registrar of Titles as evidence of my determination of joint vesting of the reserves.

HON AMBER-JADE SANDERSON MLA
MINISTER FOR ENVIRONMENT

- 4 JUN 2021

Level 5, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 6552 5900 Email: Minister.Sanderson@dpc.wa.gov.au

Exec. Dir. PVS JR 14/6

DRAFT

No changes
11-6-21

MINISTER FOR ENVIRONMENT; CLIMATE ACTION; COMMERCE

Our Ref: 76-

**HON DR TONY BUTI MLA
MINISTER FOR LANDS**

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**HON AMBER-JADE SANDERSON MLA
MINISTER FOR ENVIRONMENT**

Transmittal to Minister's office (Executive Use Only)				
Date/Time Sent:	20/5/21			
By Whom:	CARLUE			
Via:	<input checked="" type="radio"/> Email	<input type="radio"/> MST	<input type="radio"/> Courier	<input type="radio"/> Hand

Department of Biodiversity, Conservation and Attractions

Author: Maddison Howard; Land Administration Officer; 9219 9910
Office of Origin: Parks and Wildlife Service, Parks and Visitor Services Division
Your Reference:
Our Reference: MIN352/21

MINISTER FOR ENVIRONMENT

PLAN FOR OUR PARKS - RESERVATION AND JOINT VESTING OF THE NINGALOO (NYINGGULU) CONSERVATION ESTATE

ISSUE

Your endorsement and action is sought for the addition of land into Cape Range National Park, and a determination for joint vesting of the Ningaloo (Nyinggulu) Conservation Estate with the Conservation and Parks Commission (CPC) and the Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC).

BACKGROUND

Since the 1970s, successive Governments have made long-standing commitments to expand the conservation estate on the Ningaloo coast. This was to be achieved through an eastward expansion of Cape Range National Park, and the establishment of a coastal public reserve enabling integrated management of the Ningaloo coastal strip and adjacent marine park. Tenure recommendations are outlined in the *Cape Range National Park Management Plan 2010*. The new conservation estate areas would ensure equitable, safe and continual public access to the Ningaloo coast, and neighbouring Cape Range National Park.

In 2015, the State entered into formal exclusion agreements with pastoral lessees along the Ningaloo coast (Quobba, Gnarlboo, Warroora, Cardabia, Ningaloo and Exmouth Gulf stations) to enable future inclusions of portions of the pastoral leases into the conservation estate.

Registration of an Indigenous Land Use Agreement (ILUA) with the National Native Title Tribunal was then required to reserve the ex-pastoral areas as *Conservation and Land Management Act 1984* (CALM Act) tenure, and implement joint management arrangements. On 12 December 2018, the native title holders provided community authorisation for a draft ILUA, granting native title consent for the Ningaloo (Nyinggulu) Conservation Estate (the Ningaloo Estate), approximately 78,000 hectares.

The Ningaloo Estate proposal includes the below lands, a map is provided at Attachment 1.

1. eastern extensions to Cape Range National Park (part to be added to the class A national park and part to be created as unclassified conservation park);
2. proposed Cape Range (South) National Park, Class A Reserve No. 53770;
3. Ningaloo (Nyinggulu) coastal reserve, unclassified section 5(1)(h) CALM Act reserve for the purpose of 'conservation and recreation'; and
4. Ningaloo Marine Park Southern Intertidal Area extensions.

The Ningaloo Estate subsequently formed part of the Plan for Our Parks initiative, and during 2019 was subject to a consultation and refinement process. On 2 December 2019, Cabinet provided in-principle approval for the refined tenure and boundaries of the Ningaloo Estate, and approved the formal negotiation of the ILUA.

In August 2020, the State negotiated an ILUA with the NTGAC for the creation, joint management, and joint vesting of the proposed Ningaloo Estate, permitting the creation of the reserves. On 29 October 2020, the proposed Cape Range (South) National Park, Class A Reserve No. 53770 (27,072 hectares), and the Ningaloo (Nyinggulu) Coastal Reserves (20,471.71 hectares), were gazetted. The Department of Biodiversity, Conservation and Attractions (DBCA) is now pursuing the necessary actions to complete the reservation of the outstanding terrestrial areas for the Ningaloo Estate.

Following the success of the Ningaloo (Nyinggulu) Conservation Estate ILUA, DBCA will commence negotiations for a second ILUA with the NTGAC for the proposed Giralia National Park and Boologooro Nature Reserve.

CURRENT STATUS

The actions to reserve the remaining areas and complete the Ningaloo Estate proposal pursuant to the Ningaloo (Nyinggulu) Conservation Estate ILUA are as follows:

1. The reservation of:
 - a) unallocated Crown land Lot 300 on Plan 421175 for addition to the existing Cape Range National Park (Class A, Reserve No. 27288); and
 - b) unclassified conservation park over Lots 301, 302 and 305 on Plan 421175 to adjoin the proposed Cape Range National Park addition to the east.
2. The joint vesting of:
 - a) proposed Cape Range (South) National Park, Class A Reserve No. 53770;
 - b) Cape Range National Park (including Lot 300 on Plan 421175); and
 - c) Lots 301, 302 and 305 on Plan 421175 (proposed conservation park).

The CPC and NTGAC signatories to the ILUA provided consent to the creation of new conservation reserves, and additions to Cape Range National Park, and to the subsequent joint vesting of these areas.

Your endorsement of these arrangements is now required in accordance with section 8AA(2) of the CALM Act. The responsibility for implementing the proposed actions will fall to the Department of Planning, Lands and Heritage, and the Minister for Lands, Hon Tony Buti MLA.

A letter to the Minister for Lands has been drafted on your behalf (Attachment 2) requesting he finalise the actions in accordance with section 45(2) and 46(1) of the *Land Administration Act 1997*.

RECOMMENDATION

That you:

1. note this information;

NOTED

2. endorse the proposed reservation and addition of Lot 300 on Plan 421175 to Cape Range National Park (Class A, Reserve No. 27288);

ENDORSED NOT ENDORSED

3. endorse the proposed reservation of Lots 301, 302 & 305 on Plan 421175 as an unclassified conservation park;


ENDORSED NOT ENDORSED

4. provide written determination to jointly vest the Cape Range National Park (Class A, Reserve No. 27288), proposed Cape Range (South) National Park (Class A, Reserve No. 53770), and the unclassified conservation park with the CPC and NTGAC; and

DETERMINED NOT DETERMINED

5. sign the attached letter to the Minister for Lands to have the reserve actions finalised and areas jointly vested (Attachment 2).

ENDORSED NOT ENDORSED


Mark Webb
DIRECTOR GENERAL

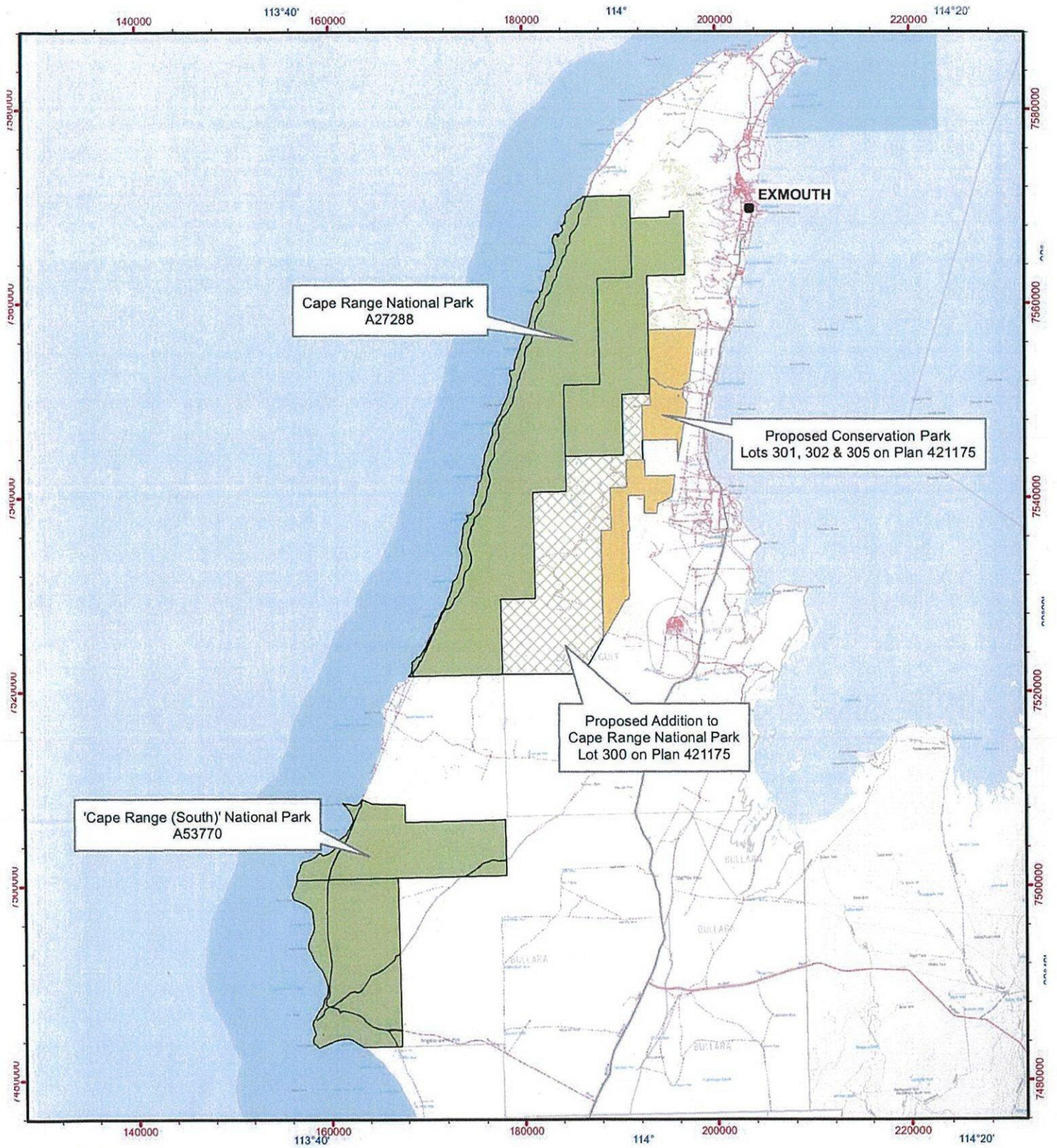
19 May 2021

Att


MINISTER FOR ENVIRONMENT

Date: 2/6/21

Proposed Ningaloo (Nyngulu) Conservation Estate Actions Plan for Our Parks



Graticule shown at 20 minutes intervals
Grid shown at 20000 metre intervals

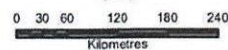
Legend

- WA Townsites
- National Park
- Proposed Conservation Park
- ▨ Proposed National Park Addition



1:530,000

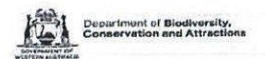
(A4)



GDA2020 MGA Zone 50

Produced by the
Department of
Biodiversity, Conservation
and Attractions

Produced at 2:11pm, on Mar 30, 2021



Roads and tracks on land managed by DBCA may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.

The Dept. of Biodiversity, Conservation and Attractions does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.

ST

Stacey, Karin

From: MLU DBCA <mlu@dbca.wa.gov.au>
Sent: Thursday, 20 May 2021 9:52 AM
To: Minister.Sanderson
Subject: MIN352/21 BN - Plan for Our Parks - Reservation and Joint Vesting of the Ningaloo Conservation Estate
Attachments: MIN352_21 Attachment 2.docx; MIN352_21 DG Approved.pdf

MINISTER FOR ENVIRONMENT; CLIMATE ACTION; COMMERCE

Our Ref: 76-

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