



# Conservation Reserves

## ***An introduction to Conservation Reserves***

*Conservation reserves are areas of land which are specially set aside under law to protect some environmental value inherent in them. Development in and use of conservation reserves is usually restricted to only those activities which are compatible with conservation of these environmental values. In WA, conservation reserves include national parks, conservation parks and nature reserves. Conservation reserves are also sometimes collectively called the “conservation estate”.*

*Conservation reserves in WA account for about 20 million hectares of Western Australia's total land area, and host a complex ecosystem with a wide diversity of plants and animals. These reserves contain some of the State's most significant natural and cultural heritage assets.*

*This Fact Sheet examines the different types of conservation reserves that are created in WA, how they are protected, and what activities can be carried out in them.*

*For information on management of marine reserves, see [Fact Sheet 17: Marine reserves](#), for State forests, see [Fact Sheet 10: State forests and timber reserves](#) and for Crown land and other types of reserves, see [Fact Sheet 12: Crown land management](#).*

## **What are “conservation reserves”?**

Conservation reserves are areas of Crown land set aside for the protection and conservation of biodiversity and/or natural or cultural heritage values. There are three main types of conservation reserve in WA - nature reserves, national parks, and conservation parks.

**Nature reserves** are established for wildlife and landscape conservation, scientific study and preservation of features of archaeological, historic or scientific interest. Recreation that does not harm natural ecosystems is allowed, but other activities are usually not permitted.

**National parks** are also established for wildlife and landscape conservation, scientific study, preservation of features of archaeological, historic or scientific interest, but are also able to be used for enjoyment by the public. They have national or international significance for scenic, biological or cultural values.

**Conservation parks** have the same purpose as national parks but do not have the same national or international significance (though they have significant local or regional value for conservation and recreation). Land is usually reserved as a conservation reserve rather than nature reserve or national park when there is a potential competing land use, for example, because the land has high mineral potential.

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Conservation reserves can also have an extra classification applied to them and become an "A class" reserve, which means they receive a higher level of protection (see below). Conservation reserves can also have areas within them classified as specific zones which can then only be used for specific purposes, such as a wilderness area, a recreation area, or more specifically for things like rock climbing, or disease management.

Conservation reserves do not include private land set aside for conservation purposes under a conservation covenant or similar instrument. Neither do they include regional parks, which actually (despite their name) have no specific legal status or protection (see below).

## Who owns, controls and manages conservation reserves?

Most conservation reserves in WA are vested in (owned by) the Conservation Commission. The Commission is an independent statutory body established by the *Conservation and Land Management Act 1984* ("CALM Act"). Conservation reserves are then actually managed (on behalf of the Conservation Commission) by the Department of Environment and Conservation ("DEC").

Conservation reserves which are made under legislation which is specifically about those reserves are usually managed by specific bodies which are also set up under that legislation, for example, Kings Park and Bold Park are managed by the Botanic Gardens and Parks Authority, and Rottnest Island is managed by the Rottnest Island Authority.

Local governments may also set aside and manage Crown land for conservation purposes, but these areas (like regional parks) do not have specific legislative protection and so are not protected in the same way that conservation reserves are.

## How are conservation reserves made?

Conservation reserves are created by an order being made by the Minister for Lands under the *Land Administration Act 1997* which specifies that an area of land is set aside for a particular purpose which is in the public interest (for example, the conservation of flora and fauna or a national park). Before making a reserve, the Minister for Lands must consult with the relevant local government. The Minister may also classify a conservation reserve as a class A reserve, which carries with it additional protections. A class A classification is usually made at the same time as the land is reserved, but can be made at any time.

Once land is reserved and set aside for conservation purposes, it is regulated under the CALM Act.

## How are conservation reserves altered?

Once land has been reserved for the purpose of a conservation park, national park or class A nature reserve, the purpose of the land can only be changed by an Act of Parliament. Some additions and minor alterations such as excising 5% or one hectare, whichever is the less, for the purpose of public utility services (for example, drainage, gas, power, telecommunications, water and sewerage) can be made without an Act of Parliament, but only on the advice of the Minister for the Environment, and the change is still subject to disallowance in Parliament.

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Nature reserves which are not classified as class A can be amended at any time by the Minister.

Once a national park or class A nature reserve is made, mining leases and general purpose leases cannot be granted over them without the consent of both Houses of Parliament, and actual mining cannot take place within them without specific permission of the Minister for Environment. For conservation parks and non-class A nature reserves, mining is usually not consistent with the purpose of the reserve, therefore changes to the management plan for the land will usually be necessary if a mining lease is to be granted in the reserve.

## How are conservation reserves managed?

The management of conservation reserves depends upon whether there is a management plan in place for that reserve or not. The CALM Act does not require management plans to be in place for conservation reserves at all times, instead they are just required to be made as is reasonably practicable having regard to the resources of the DEC. This means that in some cases conservation reserves do not have a management plan in place for them, or only have an out-dated management plan.

## Management plans for conservation reserves

The Conservation Commission is responsible under the CALM Act for the preparation of draft management plans, through the agency of DEC. This means that plans themselves are actually drafted by, and then implemented by, DEC, but the Conservation Commission reviews the plans and has overall decision making power about them.

Draft management plans have to be publicly advertised and open for public comment for at least 2 months. Draft plans also have to be sent to other relevant government departments and local governments for their comment. Comments can be made on the environmental content in the plans, and also on how the plans are drafted. The Conservation Commission's policy is that management plans should be concise and focused on relevant values, threats and management responses. They may include some aspirational goals, objectives and strategies, but generally need to contain a greater focus on matters which are precise, specific, achievable, realistic, time-related and measurable, so as to provide clear management direction.

Once comments are received, the draft plan is finalised by the Conservation Commission, and then sent for approval by the Minister for Environment. In approving the plan, the Minister can make changes to it.

Once a management plan is in place for a national park, conservation park or nature reserve, DEC must manage the land in accordance with that plan, however DEC usually has some discretion about how and when they carry out or allow specific activities on the land.

Joint management of conservation reserves with Aboriginal landowners is a policy of the Conservation Commission, but if/how this occurs differs between reserves.

Management plans usually last for 10 years (and in fact cannot be specified to be in place for longer than 10 years), but continue to have legal effect even after they expire until a new plan is approved.

The CALM Act specifies the objectives which management plans have to meet:

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#### *Nature reserves objectives*

- To maintain and restore the natural environment.
- To protect, care for, and promote the study of, indigenous flora and fauna.
- To preserve any feature of archaeological, historic or scientific interest.

#### *National parks and conservation parks objectives*

- To fulfill so much of the demand for recreation by members of the public as is consistent with the proper maintenance and restoration of the natural environment.
- The protection of indigenous flora and fauna.
- The preservation of any feature of archaeological, historic or scientific interest.

Management plans also have to include a statement of the policies or guidelines proposed to be followed in their implementation, and a summary of the operations proposed to be undertaken in the conservation reserve during the time it is in force.

### **Management if there is no management plan in place for a conservation reserve**

Where there is no management plan in place for a nature reserve, only “necessary operations” can be undertaken. “Necessary operations” means operations that are necessary for the preservation or protection of persons, property, land, waters, flora or fauna, or for the preparation of a management plan.

Where there is no management plan in place for a national park or conservation park, it must be managed to ensure that only “compatible operations” are undertaken. “Compatible operations” means:

- operations that are necessary for the preservation or protection of persons, property, land, waters, flora or fauna, or for the preparation of a management plan; or
- operations approved by the Minister for Environment as being compatible with the purposes for which the reserve is managed.

### **Who controls DEC activities?**

DEC's management of conservation land is subject to performance review by the Conservation Commission. The results of these reviews are available on the DEC website.

Once a management plan is in place for a national park, conservation park or nature reserve, DEC must manage the land in accordance with that plan, however DEC usually have some discretion about how and when they carry out or allow specific activities on the land.

### **How can a conservation reserve be used by the public?**

As a general rule, any person can enter any publicly accessible area within a conservation reserve, subject to paying any applicable entry fees. However, access may be restricted in specific zones for the purposes of

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protecting and managing the reserve, for example:

- wilderness area – access by vehicle, powered vessel or animal is prohibited without approval;
- prohibited area – all entry prohibited without approval;
- limited access area – entry permitted by foot or vessel only; or
- disease risk or control area.

It is an offence to use a vehicle on a conservation reserve unless the vehicle is on a made road. It is also an offence to use an off-road vehicle (such as a trail bike) on a conservation reserve without a permit under the *Control of Vehicles (Off-road Areas) Act 1978 (WA)*.

As a general rule it is an offence to bring an animal onto a conservation reserve, but a person may bring a horse or dog onto a “designated area” within a conservation reserve. It is also a specific offence for a person to graze cattle within a conservation reserve.

Camping within conservation reserves is only permitted within designated camping areas and fees may be payable for camping. It is an offence to light a campfire (or any other type of fire) where flora or forest produce is in danger of being burnt. Also see [Fact Sheet 35: Bushfire](#).

It is also an offence for any person to do any of the following things on a conservation reserve without approval:

- plant, cultivate or abandon any plant;
- remove any native flora, except firewood for camping or recreational purposes in designated areas;
- place litter or other material on a reserve;
- remove any naturally occurring feature (such as a fossil, sea shell, stromatolite etc);
- abseil or sand-board down any slope;
- erect any structure or building;
- hold a gathering of more than 100 people; and
- take photographs for commercial purposes.

A person taking anything from a conservation reserve without authority will commit an offence under the law that applies to that act, such as unlawfully taking flora or fauna under the *Wildlife Conservation Act 1950 (WA)* and the CALM Act. See [Fact Sheet 8: Biodiversity conservation in Western Australia](#).

## Can conservation reserves be used for development/commercial purposes?

The same controls listed above for the public's use of conservation reserves also apply to any commercial and development use of reserves. In addition, commercial and development activities can only be undertaken if they are consistent with the purpose which the land was reserved for, and allowed under the management plan for the reserve. There is also a specific requirement for approval to be obtained for all commercial activities.

For more information on mining in conservation reserves, see [Fact Sheet 36: Mining law](#).

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## Regional parks

There are several regional parks located in the Perth metropolitan area.

Despite their name, regional parks have no special legal status. They generally comprise a number of different land tenures vested in and managed by a range of different public authorities and local governments. Whilst DEC is (as a matter of policy) responsible for coordinating the management of the different land tenures comprising each park, the individual management responsibility remains with the relevant management body.

As part of its over-arching management role, DEC is preparing management plans for each park. Once finalised and implemented, the aim of the management plan is to provide a consistent basis by which the land will be managed.

Changes to the purpose or boundary of a regional park will be governed by the type of reserve which comprises the park. For more information on the management of these reserves generally, see [Fact Sheet 12: Crown land management](#).

## Opportunities for public involvement

There are some opportunities for public involvement in the administration and management of conservation reserves in Western Australia, including:

- If you are concerned that unlawful activity is being undertaken on a conservation reserve, you can report the activity to DEC.
- Obtain a copy of the management plan from DEC for that reserve to ascertain DEC's management responsibilities, and encourage DEC and the Conservation Commission to meet their objectives, as well as to monitor compliance.
- Monitor for draft management plans that are open to the public and provide comments to DEC.
- Lobby the Minister for Environment to give particularly vulnerable areas increased protection through changing their reserve classification to class A, or to reserve areas for conservation that are currently designated as unallocated Crown land.
- Monitor for proposals to change the boundaries or purposes of conservation reserves.

## Contacts and further information

Environmental Protection Authority Tel: (08) 6467 5600 or visit [www.epa.wa.gov.au](http://www.epa.wa.gov.au)

Department of Environment and Conservation Tel: (08) 6467 5000 or [visit www.dec.wa.gov.au](http://www.dec.wa.gov.au)

Conservation Commission, Tel: (08) 9389 1766, or visit [www.conservation.wa.gov.au](http://www.conservation.wa.gov.au)

For copies of WA legislation considered in this fact sheet, contact the State Law Publisher  
Tel: (08) 9321 7688 or visit [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

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## The Environmental Defender's Office WA (Inc)

The Environmental Defender's Office WA (EDO) is a community legal centre specialising in public interest environmental law.

The objects of the EDO include:

- to provide community groups and individuals with legal advice and representation to help protect the environment;
- to promote law reform that improves environmental protection; and
- to provide community education about environmental law.

The EDO is a non-profit, non-government organisation. The EDO receives its principal funding from the Federal and State Attorney-General's Departments.

However, these funds are limited and donations from the public provide a vital source of funds for many of our activities. Donations over \$2 are fully tax deductible. The EDO also welcomes people with a commitment to the environment to join as members.

If you require legal advice on an environmental issue or wish to find out more about the EDO, please contact us at the following address:

Environmental Defender's Office WA (Inc)

Suite 4, 544 Hay Street, Perth WA 6000

Tel: (08) 9221 3030

Fax: (08) 9221 3070

Freecall: 1800 175 542 (for WA callers outside the Perth metropolitan region)

Email: [edowa@edowa.org.au](mailto:edowa@edowa.org.au)

## Thank you to our donors

The EDO is grateful for the funding provided by the following organisations to create and maintain these fact sheets.



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