



New South Wales

National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001 No 92

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of National Parks and Wildlife Act 1974 No 80	2
4 Amendment of Sydney Water Catchment Management Act 1998 No 171	2
Schedules	
1 Amendment of National Parks and Wildlife Act 1974	3
2 Amendment of Sydney Water Catchment Management Act 1998	6



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National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001 No 92

Act No 92, 2001

An Act to amend the *National Parks and Wildlife Act 1974* and the *Sydney Water Catchment Management Act 1998* to make ancillary provisions with respect to plans of management and other matters consequential on the transfer of certain water catchment management areas to the national park estate; and for other purposes. [Assented to 6 December 2001]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of National Parks and Wildlife Act 1974 No 80

The *National Parks and Wildlife Act 1974* is amended as set out in Schedule 1.

4 Amendment of Sydney Water Catchment Management Act 1998 No 171

The *Sydney Water Catchment Management Act 1998* is amended as set out in Schedule 2.

Schedule 1 Amendment of National Parks and Wildlife Act 1974

(Section 3)

[1] Section 81A Leases, licences and easements subject to plan of management

Omit “an easement” from section 81A (b).
Insert instead “a lease, licence or easement”.

[2] Section 138 Payments into Fund

Insert after section 138 (1) (e):

- (e1) any money received from the Sydney Catchment Authority in connection with carrying out and giving effect to a plan of management adopted under the *Sydney Water Catchment Management Act 1998*,

[3] Section 139 Payments out of Fund

Insert after section 139 (2) (m1):

- (m2) the cost of carrying out and giving effect to a plan of management adopted under the *Sydney Water Catchment Management Act 1998*,

[4] Section 153B

Insert after section 153A:

153B Granting of interests in respect of reserved or dedicated lands that are also water catchment special areas

- (1) This section applies to lands reserved or dedicated under this Act that are also within a special area within the meaning of the *Sydney Water Catchment Management Act 1998* or the *Hunter Water Act 1991*.

- (2) The Minister may grant leases of, or licences to occupy or use, or easements or rights of way through, on or in, lands to which this section applies for the purpose of enabling the Sydney Catchment Authority, the Sydney Water Corporation or the Hunter Water Corporation to exercise its functions in relation to water or wastewater infrastructure on the lands concerned.
- (3) Subsection (2) does not authorise the granting of a lease, licence, easement or right of way for the purpose of enabling any of the following functions to be exercised in relation to the land concerned:
 - (a) the impoundment of water on the land,
 - (b) the permanent inundation of the land,
 - (c) the construction of flood mitigation structures on the land.
- (4) For the purposes of subsection (3) (b), ***permanent inundation*** includes any flooding additional to the temporary flooding that already occurs due to natural rainfall.
- (5) The Minister must not grant a lease, licence, easement or right of way under subsection (2) unless a plan of management for the lands concerned identifies:
 - (a) the person to whom, and
 - (b) the lands in respect of which, and
 - (c) the purpose and term for which,the lease, licence, easement or right of way is to be granted.
- (6) Subsection (5) does not limit the operation of Part 5.
- (7) A lease, licence, easement or right of way under subsection (2) may be granted subject to such terms and conditions as the Minister may determine.
- (8) The Minister may from time to time revoke or vary any grant under subsection (2) of an easement or right of way.
- (9) Subsection (2) does not authorise the granting of a lease or licence in relation to land that is within a wilderness area.
- (10) The Minister must cause a register to be kept of each lease, licence, easement or right of way that is granted under subsection (2).

(11) The register must be kept available for inspection by the public free of charge, during ordinary office hours, at the Head Office of the Service.

[5] Section 186 Requirement for examination

Insert “or 153B (2)” after “section 151 (1)” and “section 153 (1)” in section 186 (1) (c) and (e), respectively.

[6] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001

[7] Schedule 3, Part 2

Insert after clause 26:

27 Provision consequent on enactment of National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001

Anything done or omitted to be done before the commencement of an amendment made by Schedule 1 [2] or [3] to the *National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001* is as valid as it would have been had the amendment been in force when the thing was done or omitted.

Schedule 2 Amendment of Sydney Water Catchment Management Act 1998

(Section 4)

[1] Section 24C Payments out of Fund

Insert “(including payment of money to the Director-General of National Parks and Wildlife in that connection)” after “section 50” in section 24C (b).

[2] Section 50 Operations under plan of management

Omit “the Authority” wherever occurring.
Insert instead “the joint sponsors”.

[3] Section 50 (3)

Insert after section 50 (2):

- (3) The joint sponsors (together or individually) may engage such contractors (including government agencies) as may be necessary or convenient to assist them in carrying out and giving effect to the plan.

[4] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001

[5] Schedule 6, Part 3

Insert after clause 8:

**Part 3 Provision consequent on enactment of
National Parks and Wildlife Amendment
(Transfer of Special Areas) Act 2001**

9 Operations under plans of management

Anything done or omitted to be done before the commencement of an amendment made by Schedule 2 [1]–[3] to the *National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001* is as valid as it would have been had the amendment been in force when the thing was done or omitted.

[Minister's second reading speech made in—
Legislative Assembly on 26 October 2001
Legislative Council on 14 November 2001]