



New South Wales

# Forestry (Darling Mills State Forest Revocation) Act 2005 No 2

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New South Wales

## **Forestry (Darling Mills State Forest Revocation) Act 2005 No 2**

Act No 2, 2005

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An Act to revoke the dedication of Darling Mills State Forest as a State forest (and part of a national forest) and to dedicate that land as part of the Bidjigal Reserve; and for other purposes. [Assented to 10 March 2005]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Forestry (Darling Mills State Forest Revocation) Act 2005*.

**2 Commencement**

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

**3 Definition**

In this Act:

**State forest** means land dedicated under the *Forestry Act 1916* (or under the former *Forestry Act 1909*) as a State forest, being a dedication that is in force.

**4 Revocation of dedication as State forest of certain area of national forest**

- (1) The dedication as a State forest of the land described in Schedule 1 is revoked.
- (2) Any notification under section 19A of the *Forestry Act 1916* that declared, as a national forest, the area of State forest whose dedication is revoked by subsection (1), is also revoked by this Act, but only to the extent to which it relates to national forests or parts of national forests situated within the land referred to in that subsection.

**5 Former State forest to be subject to Crown Lands Act 1989**

The land described in Schedule 1 is vested in the Crown as Crown land and is subject to the *Crown Lands Act 1989*, except as provided by section 7.

**6 Dedication of former State forest as part of Bidjigal Reserve**

- (1) The land described in Schedule 1 is dedicated under the *Crown Lands Act 1989* as part of the Bidjigal Reserve, reserve number D1010489.
- (2) The requirements of section 82 of the *Crown Lands Act 1989* are taken to have been complied with in respect of all land that is part of the Bidjigal Reserve including the land described in the Erratum, published in Gazette No 143 of 10 September 2004 at page 7498, that corrects the notice entitled *Proposed Dedication of Crown Land for a Public Purpose*, published in Gazette No 134 of 13 August 2004 at page 6559.

**7 Existing interests**

- (1) An existing interest continues in force under the *Forestry Act 1916* until the existing interest is cancelled, surrendered or expires (whichever occurs first) and the *Forestry Act 1916* continues to apply in respect of the existing interest until it is cancelled, surrendered or expires.
- (2) The administration of existing interests is vested in the Minister administering the *Crown Lands Act 1989*.
- (3) For the purposes of subsection (2), the Minister administering the *Crown Lands Act 1989* has the powers, functions, authorities and duties of the Minister administering the *Forestry Act 1916*.
- (4) In this section, *existing interest* means a lease, easement, licence, permit, occupancy, authority or authorisation under the *Forestry Act 1916*:
  - (a) affecting any of the land described in Schedule 1, and
  - (b) current and in force immediately before the commencement of this section.

**8 Act to bind Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

**9 Application of this Act**

- (1) This Act has effect despite the provisions of the *Forestry Act 1916* and, in particular, despite any different procedure for the revocation of State forests or national forests under that Act.
- (2) This Act has effect despite the provisions of the *Crown Lands Act 1989* and, in particular, despite any different procedure for dedicating land under that Act.

**10 Saving**

A revocation effected by this Act does not affect anything done or omitted to be done before the commencement of this section.

## **Schedule 1 Addition to Bidjigal Reserve**

(Sections 4 (1), 5, 6 (1) and 7 (4))

The area being Darling Mills State Forest No 1038, named by Gazette notification on 26 October 1984, dedicated as Cumberland State Forest No 869, No 3 Extension by proclamation published in the Gazette on 29 July 1955, and declared part of the Cumberland National Forest No 18, No 2 Extension by notification published in the Gazette on 22 May 1964, in the Parish of Field of Mars, County of Cumberland and being the land that remains so dedicated immediately before the commencement of this Act.

[Second reading speech made in—  
Legislative Assembly on 10 November 2004  
Legislative Council on 2 March 2005]

BY AUTHORITY