



New South Wales

National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974*:

- (a) to change the reservation of Ben Halls Gap National Park (which consists of about 3,018 hectares) to a nature reserve to be known as Ben Halls Gap Nature Reserve, and
- (b) to change the reservation of about 2,020 hectares of Khappinghat Nature Reserve to a national park to be known as Khappinghat National Park, and
- (c) to revoke the reservation of about 88.42 hectares of Gwydir Wetlands State Conservation Area, and
- (d) to revoke the reservation of the following land and to vest the land in the Minister for the purposes of Part 11 of that Act, which enables the Minister to sell, grant leases of, dispose of or otherwise deal with the land:
 - (i) about 0.1 hectare of Jervis Bay National Park,
 - (ii) about 140.94 hectares of Kosciuszko National Park,
 - (iii) about 2.018 hectares of Ku-ring-gai Chase National Park,
 - (iv) about 0.04 hectare beneath the surface of Lane Cove National Park,
 - (v) about 0.34 hectare of Middle Brother National Park,
 - (vi) about 18.5 hectares of Morton National Park,
 - (vii) Penrith Lakes Regional Park (which consists of about 6,656 square metres),
 - (viii) about 13.4 hectares of Royal National Park,

- (ix) about 1.6 hectares of Wollemi National Park,
- (x) about 0.11 hectare of Yaegl Nature Reserve, and
- (e) to provide that the Minister must not transfer the parts of that land currently forming part of Ku-ring-gai Chase National Park and Middle Brother National Park, unless satisfied that appropriate compensation has been provided, and
- (f) to revoke the reservation of about 86.31 hectares of land in Macquarie Pass State Conservation Area that has been transferred to the Illawarra Local Aboriginal Land Council, following a claim under the *Aboriginal Land Rights Act 1983*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of National Parks and Wildlife Act 1974 No 80

Schedule 1 [1] and [2] give effect to the object referred to in the Overview.

Schedule 1 [3] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act or any other Act that amends the *National Parks and Wildlife Act 1974*.



New South Wales

National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016

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New South Wales

National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016

No. , 2016

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to change the reservation status of certain land; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *National Parks and Wildlife Amendment (Adjustment of Areas) Act 2016*.

2 Commencement

This Act commences on the date of assent to this Act.

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| Schedule 1 | Amendment of National Parks and Wildlife Act 1974 No 80 | 1 |
| | | 2 |
| [1] | Schedule 1 Recategorisation of reserved land | 3 |
| | Insert after Part 4: | 4 |
| | Part 5 Recategorisation of land by National Parks and Wildlife Amendment (Adjustment of Areas) Act 2016 | 5 |
| | | 6 |
| | 12 Ben Halls Gap National Park recategorisation | 7 |
| | (1) This clause applies to Ben Halls Gap National Park, which consists of the following land and has a total area of about 3,018 hectares: | 8 |
| | | 9 |
| | (a) Lots 38, 39, 49 and 51, DP 753722, | 10 |
| | (b) Lot 113, DP 750925. | 11 |
| | (2) The reservation under this Act as national park of the land to which this clause applies is revoked and the land is reserved as a nature reserve to be known as Ben Halls Gap Nature Reserve. | 12 |
| | | 13 |
| | | 14 |
| | 13 Khappinghat Nature Reserve (part only) recategorisation | 15 |
| | (1) This clause applies to land having an area of about 2,020 hectares, as shown by hatching on the diagram catalogued Misc R 00335 (dated 5 February 2015). | 16 |
| | | 17 |
| | (2) The reservation under this Act as nature reserve of land to which this clause applies is revoked and the land is reserved as a national park to be known as Khappinghat National Park. | 18 |
| | | 19 |
| | | 20 |
| [2] | Schedule 2 Revocation of reservation or dedication of certain land | 21 |
| | Insert after Part 8: | 22 |
| | Part 9 Revocations under the National Parks and Wildlife Amendment (Adjustment of Areas) Act 2016 | 23 |
| | | 24 |
| | 25 Revocation of part of Gwydir Wetlands State Conservation Area | 25 |
| | (1) This clause applies to Lot 6, DP 750519, which has an area of about 88.42 hectares. | 26 |
| | | 27 |
| | (2) The reservation under this Act as state conservation area of land to which this clause applies is revoked. | 28 |
| | | 29 |
| | 26 Revocation of part of Jervis Bay National Park | 30 |
| | (1) This clause applies to land having an area of about 0.1 hectare, as shown by hatching on the diagram catalogued Misc R 01056 (dated 11 February 2015) in the Office of Environment and Heritage. | 31 |
| | | 32 |
| | | 33 |
| | (2) The reservation under this Act as national park of land to which this clause applies is revoked. | 34 |
| | | 35 |
| | 27 Revocation of part of Kosciuszko National Park | 36 |
| | (1) This clause applies to the following land, which has a total area of about 140.94 hectares: | 37 |
| | | 38 |
| | (a) Lots 12–22, DP 1171834, | 39 |

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| (b) | Lots 21–22, DP 1171835, | 1 |
| (c) | Lots 30–48, DP 1171836, | 2 |
| (d) | Lots 40–45, DP 1171838, | 3 |
| (e) | Lots 50–53, DP 1171839, | 4 |
| (f) | Lots 60–73, DP 1171841, | 5 |
| (g) | Lots 7–15, DP 1171844, | 6 |
| (h) | Lots 27–50, DP 1171846, | 7 |
| (i) | Lots 25, 28 and 33, DP 711392. | 8 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 9 10 |
| 28 | Revocation of part of Ku-ring-gai Chase National Park | 11 |
| (1) | This clause applies to the following land: | 12 |
| (a) | land having an area of about 1.25 hectares, as shown by blue hatching on the diagram catalogued Misc R 00337 (dated 11 February 2015) in the Office of Environment and Heritage, | 13 14 15 |
| (b) | land having an area of about 0.768 hectare, as shown by pink shading on the map marked “DS2015/001182”, held in the office of Roads and Maritime Services at Parramatta. | 16 17 18 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 19 20 |
| 29 | Revocation of part of Lane Cove National Park (beneath surface) | 21 |
| (1) | This clause applies to Lot 107, DP 1115606, which has an area of about 0.04 hectare. | 22 23 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 24 25 |
| 30 | Revocation of part of Macquarie Pass State Conservation Area | 26 |
| (1) | This clause applies to Lot 100, DP 1188472, which has an area of about 86.31 hectares. | 27 28 |
| (2) | To the extent to which land to which this clause applies is reserved under this Act as state conservation area, the reservation is revoked and is taken to have been revoked when the land was transferred to the Illawarra Local Aboriginal Land Council under section 36 of the <i>Aboriginal Land Rights Act 1983</i> . | 29 30 31 32 |
| 31 | Revocation of part of Middle Brother National Park | 33 |
| (1) | This clause applies to land having an area of about 0.34 hectare, as shown by orange shading on the map marked “C2HC_MIDDLE_BROTHER_A_V2.dgn”, held in the office of Roads and Maritime Services at Newcastle. | 34 35 36 37 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 38 39 |

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| 32 | Revocation of parts of Morton National Park | 1 |
| (1) | This clause applies to the following land, which has a total area of about 18.5 hectares: | 2 |
| | | 3 |
| (a) | the land shown by hatching on the diagram catalogued Misc R 01055 (dated 5 December 2007) in the Office of Environment and Heritage, | 4 |
| | | 5 |
| (b) | the land shown by solid black shading on the diagram catalogued Misc R 00336 (dated 17 March 2014) in the Office of Environment and Heritage. | 6 |
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| | | 8 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 9 |
| | | 10 |
| 33 | Revocation of Penrith Lakes Regional Park | 11 |
| (1) | This clause applies to Penrith Lakes Regional Park (being Lot 1, DP 860391), which has an area of about 6,656 square metres. | 12 |
| | | 13 |
| (2) | The reservation under this Act as regional park of land to which this clause applies is revoked. | 14 |
| | | 15 |
| 34 | Revocation of parts of Royal National Park | 16 |
| (1) | This clause applies to the following land: | 17 |
| (a) | land having an area of about 8.2 hectares, as shown by blue hatching on the diagram catalogued Misc R 00330 (dated 24 January 2014) in the Office of Environment and Heritage, | 18 |
| | | 19 |
| | | 20 |
| (b) | land having an area of about 2.4 hectares, as shown by blue hatching on the diagram catalogued Misc R 00331 (dated 24 January 2014) in the Office of Environment and Heritage, | 21 |
| | | 22 |
| | | 23 |
| (c) | land having an area of about 2.7 hectares, as shown by blue hatching on the diagram catalogued Misc R 00332 (dated 31 January 2014) in the Office of Environment and Heritage, | 24 |
| | | 25 |
| | | 26 |
| (d) | land having an area of about 0.1 hectare, as shown by blue hatching on the diagram catalogued Misc R 00333 (dated 24 January 2014) in the Office of Environment and Heritage. | 27 |
| | | 28 |
| | | 29 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 30 |
| | | 31 |
| 35 | Revocation of part of Wollemi National Park | 32 |
| (1) | This clause applies to land having an area of about 1.6 hectares, as shown by hatching on the diagram catalogued Misc R 00334 (dated 28 January 2014) in the Office of Environment and Heritage. | 33 |
| | | 34 |
| | | 35 |
| (2) | The reservation under this Act as national park of land to which this clause applies is revoked. | 36 |
| | | 37 |
| 36 | Revocation of part of Yaegl Nature Reserve | 38 |
| (1) | This clause applies to land having an area of about 0.11 hectare, as shown edged red on Sheet 3 of the map marked “W2B_APO_165b_NPWS_YaeglNR”, held in the office of Roads and Maritime Services at Grafton. | 39 |
| | | 40 |
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| | | 42 |
| (2) | The reservation under this Act as nature reserve of land to which this clause applies is revoked. | 43 |
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| 37 | Land vested in Minister for purposes of Part 11 | 1 |
| (1) | This clause does not apply to land to which clause 25 or 30 applies. | 2 |
| (2) | On the revocation by this Part of the reservation of land, the land is vested in the Minister on behalf of the Crown for the purposes of Part 11 of this Act for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements. | 3 4 5 6 |
| 38 | Compensation | 7 |
| | The Minister must not transfer under Part 11 of this Act the whole or any part of the land described in clause 28 (1) or 31 (1) unless the Minister is satisfied that appropriate compensation for the land has been provided. | 8 9 10 |
| [3] | Schedule 3 Savings, transitional and other provisions | 11 |
| | Insert at the end of clause 1 (1): | 12 |
| | any other Act that amends this Act | 13 |