

Act No. 158

NATIONAL PARKS AND WILDLIFE (CONSERVATION AGREEMENTS) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Miscellaneous Acts (National Parks and Wildlife) Amendment Bill 1987 is cognate with this Bill.

The object of this Bill is to amend the National Parks and Wildlife Act 1974 so as to encourage conservation practices on privately owned and public land by enabling the owners of such land to voluntarily enter into conservation agreements relating to the land with the Minister.

Clause 1 specifies the short title of the proposed Act.

Clause 2 gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) inserts definitions of "conservation agreement" and "conservation area" into the Principal Act.

Schedule 1 (2) amends section 8 of the Principal Act to confer functions relating to conservation agreements and conservation areas on the Director of National Parks and Wildlife.

Schedule 1 (3) amends section 12 of the Principal Act to confer functions relating to conservation agreements and conservation areas on the National Parks and Wildlife Service.

Schedule 1 (4) amends section 23 of the Principal Act to confer functions relating to conservation agreements and conservation areas on the National Parks and Wildlife Advisory Council.

Schedule 1 (5) inserts into the Principal Act proposed Division 7 of Part IV (Conservation agreements) which contains the following sections:

Section 69A (Definitions) defines the expressions "development", "owner" and "statutory authority".

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- Section 69B (Conservation agreements) enables the Minister to enter into conservation agreements relating to land with the owner of the land. The consent to any such agreement of any lessee, chargee, mortgagee or person having the benefit of any positive covenant affecting the land will be required.
- Section 69C (Purpose and content of agreements) sets out the purposes for which conservation agreements may be entered into and the kinds of terms which such agreements may contain.
- Section 69D (Duration and variation of agreements) provides for the variation and termination of conservation agreements.
- Section 69E (Agreements to run with land) makes agreements binding on successors in title to the owner of the land who originally enters into an agreement. Once registered by the Registrar-General an agreement, while in force, will "run with the land".
- Section 69F (Registration of agreements) requires the Registrar-General to register conservation agreements.
- Section 69G (Enforcement of agreements) provides that proceedings relating to conservation agreements are to be taken in the Land and Environment Court and limits the circumstances in which damages can be awarded against the owner of a conservation area for breach of such an agreement.
- Section 69H (Register of agreements) requires the Director of National Parks and Wildlife to keep a register of copies of conservation agreements and to make it available for inspection by the public.
- Section 69I (Proposals by statutory authorities affecting conservation areas) prohibits the carrying out of development by statutory authorities in conservation areas except in certain circumstances. The proposed section will not apply to the Soil Conservation Service.
- Section 69J (Resolution of certain disputes) provides for the resolution by the Premier of any dispute between the Minister and a statutory authority under proposed section 69I.
- Schedule 1 (6), (7), (8) and (13)–(18) amend sections of the Principal Act consequentially on the insertion of proposed Division 7 of Part IV.
- Schedule 1 (9) amends section 72 of the Principal Act to enable the Director to prepare plans of management for conservation areas.
- Schedule 1 (10) amends section 73 of the Principal Act consequentially on the amendments made by Schedule 1 (9).
- Schedule 1 (11) inserts proposed section 78A (Adoption etc. of plan of management for conservation area). The proposed section provides for the adoption, amendment, alteration, substitution and cancellation of plans of management for conservation areas.
- Schedule 1 (12) amends section 81 of the Principal Act to require the Director and the owner of a conservation area to give effect to any plan of management for the area.
- Schedule 1 (19) amends section 181 of the Principal Act in relation to giving evidence of conservation agreements in legal proceedings.
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