



New South Wales

# National Parks and Wildlife Legislation Amendment (Reservations) Bill 2011

## 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 part of Wianamatta Regional Park to a nature reserve to be known as Wianamatta Nature Reserve, and
- (b) to add certain land to Hunter Wetlands National Park, and
- (c) to revoke the reservation of certain other land that is currently reserved as part of Hunter Wetlands National Park.

The Bill also amends the *National Park Estate (South-Western Cypress Reservations) Act 2010* to delay the commencement of the reservation of certain State forests as part of Lachlan Valley National Park and Yathong Nature Reserve.

## 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 [4]** revokes the reservation of part of Wianamatta Regional Park and reserves that land as a nature reserve to be known as Wianamatta Nature Reserve. The change of reservation does not affect native title rights and interests.

**Schedule 1 [5]** reserves an area of about 22 hectares as part of Hunter Wetlands National Park and contains ancillary provisions that ensure that the reservation is taken to have been effected in the usual way (which is by the Governor by a notice published under Division 1 of Part 4 of the Act).

**Schedule 1 [6]** revokes the reservation of part of Hunter Wetlands National Park, being an area of about 18.5 hectares. On the revocation of the reservation, the land is vested in the Minister under Part 11 of the Act which enables the Minister to sell, grant leases of, dispose of or otherwise deal with the land. The revocation of the reservation does not affect native title rights and interests.

**Schedule [1]–[3]** update certain references for the purposes of statute law revision.

**Schedule 1 [7]** enables regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.

## **Schedule 2      Amendment of National Park Estate (South-Western Cypress Reservations) Act 2010 No 112**

**Schedule 2 [1] and [3]** amend the *National Park Estate (South-Western Cypress Reservations) Act 2010* to delay the commencement of the reservation of part of Wilbertroy State Forest No 35 as part of Lachlan Valley National Park until 1 January 2014 and to delay the commencement of the reservation of part of Yathong State Forest No 890 as part of Yathong Nature Reserve until 1 January 2015. Currently, those reservations are to take effect on 1 January 2012.

**Schedule 2 [2] and [5]–[9]** contain consequential amendments.

**Schedule 2 [4]** removes an unnecessary cross reference for the purposes of statute law revision.

First print



New South Wales

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New South Wales

# National Parks and Wildlife Legislation Amendment (Reservations) Bill 2011

No. , 2011

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## A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to change the reservation status of certain lands under that Act; to amend the *National Park Estate (South-Western Cypress Reservations) Act 2010* to delay the commencement of certain reservations; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>National Parks and Wildlife Legislation Amendment (Reservations) Act 2011</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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<b>Schedule 1</b>	<b>Amendment of National Parks and Wildlife Act 1974 No 80</b>	1
		2
<b>[1]</b>	<b>Schedule 1 Recategorisation of reserved land</b>	3
	Omit “section 30A (1)” from clause 1 (1).	4
	Insert instead “Division 1 of Part 4”.	5
<b>[2]</b>	<b>Schedule 1, clause 1 (2)</b>	6
	Omit the subclause. Insert instead:	7
	(2) A reference in this Act to the publication of a notice under Division 1 of Part 4 is, in relation to a reservation of land effected by this Schedule, taken to be a reference to the commencement of the operation of the relevant provision of this Schedule that effects the reservation of the land.	8
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<b>[3]</b>	<b>Schedule 1, clause 1 (3)</b>	13
	Omit “referred to in section 30A (2)”.	14
	Insert instead “published under Division 1 of Part 4”.	15
<b>[4]</b>	<b>Schedule 1, Part 3</b>	16
	Insert after Part 2:	17
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		21
<b>10</b>	<b>Wianamatta Regional Park (part only) recategorisation</b>	21
	(1) This clause applies to an area of about 181.1 hectares of Wianamatta Regional Park, being Lot 2, DP 1057347.	22
		23
	(2) The reservation under this Act of the land to which this clause applies as part of a regional park is revoked and the land is reserved as a nature reserve to be known as Wianamatta Nature Reserve.	24
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		27

<b>[5] Schedule 1A</b>	1
Insert after Schedule 1:	2
<b>Schedule 1A Reservation of land</b>	3
<b>Part 1 General provisions</b>	4
<b>1 Reservation of lands as national parks, nature reserves, state conservation areas, regional parks, historic sites or Aboriginal areas</b>	5 6 7
(1) The lands reserved as, or as parts of, national parks, nature reserves or state conservation areas, regional parks, historic sites or Aboriginal areas by this Schedule are, for the purposes of this Act and the <i>Native Title (New South Wales) Act 1994</i> , taken to have been so reserved by notice published under Division 1 of Part 4.	8 9 10 11 12 13
(2) A reference in this Act to the publication of a notice under Division 1 of Part 4 is, in relation to a reservation of land effected by this Schedule, taken to be a reference to the commencement of the operation of the relevant provision of this Schedule that effects the reservation of the land.	14 15 16 17 18
(3) A name assigned to any national park, nature reserve, state conservation area, regional park, historic site or Aboriginal area by this Schedule is taken to have been assigned to that land by a notice published under Division 1 of Part 4.	19 20 21 22
(4) Section 35 (including section 35 as applied by section 58) and sections 47D and 47R do not apply to a reservation of land as, or as part of, a national park, nature reserve, state conservation area, regional park or historic site that is effected by this Schedule.	23 24 25 26
<b>Part 2 Reservation of part of Hunter Wetlands National Park</b>	27 28
<b>2 Reservation of land as part of Hunter Wetlands National Park</b>	29
(1) This clause applies to an area of about 22 hectares, being Lot 22, DP 1150980.	30 31
(2) On the commencement of this clause, the land to which this clause applies is reserved as part of Hunter Wetlands National Park.	32 33 34



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(3)	The reservation is restricted to a depth of 50 metres below the surface of the land.	1 2
<b>[6]</b>	<b>Schedule 2 Revocation of reservation or dedication of certain land</b>	3
	Insert at the end of the Schedule with appropriate Part and clause numbers:	4
<b>Part</b>	<b>Revocations under the National Parks and Wildlife Legislation Amendment (Reservations) Act 2011</b>	5 6 7
	<b>Revocation of part of Hunter Wetlands National Park</b>	8
(1)	This clause applies to an area of about 18.5 hectares of Hunter Wetlands National Park, being the land shown hatched black on the diagram catalogued Misc R 00326 (Edition 1) in the Office of Environment and Heritage, Department of Premier and Cabinet, subject to any variations and exceptions noted on that diagram.	9 10 11 12 13
(2)	The reservation under this Act as national park of land to which this clause applies, being part of Hunter Wetlands National Park, is revoked.	14 15 16
(3)	On the revocation of the reservation as national park of land to which this clause applies, 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.	17 18 19 20 21
<b>[7]</b>	<b>Schedule 3 Savings, transitional and other provisions</b>	22
	Insert at the end of clause 1 (1):	23
	<i>National Parks and Wildlife Legislation Amendment (Reservations) Act 2011</i>	24 25

<b>Schedule 2</b>	<b>Amendment of National Park Estate (South-Western Cypress Reservations) Act 2010 No 112</b>	1 2 3
<b>[1] Section 3 Definitions</b>		4
Insert in alphabetical order in section 3 (1):		5
<i>relevant date</i> means:		6
(a) in relation to land described in items 1 and 2 of Schedule 2—1 January 2012, or		7 8
(b) in relation to land described in item 3 of Schedule 2— 1 January 2014, or		9 10
(c) in relation to land described in item 4 of Schedule 2— 1 January 2015.		11 12
<b>[2] Section 4 Revocation of State forests</b>		13
Omit “1 January 2012” from section 4 (1) (b).		14
Insert instead “the relevant date”.		15
<b>[3] Section 6 Reservation of former State forests as national park or nature reserve on or after 1 January 2012</b>		16 17
Omit “1 January 2012” wherever occurring in section 6 (1)–(3).		18
Insert instead “the relevant date”.		19
<b>[4] Section 13 Review of classification as state conservation area</b>		20
Omit “2,” from section 13 (1).		21
<b>[5] Section 15 Adjustment of description of land transferred to national park estate</b>		22 23
Omit section 15 (6). Insert instead:		24
(6) An adjustment of the description of land may be made only before:		25 26
(a) 1 January 2013, except as provided by paragraphs (b)–(d), or		27 28
(b) 1 January 2014, in the case of an adjustment of the description of land in item 1 or 2 of Schedule 2 or of the boundary of any land adjoining a public road (other than the boundary of any land described in item 3 or 4 of Schedule 2), or		29 30 31 32 33

(c)	1 January 2016, in the case of an adjustment of the description of land in item 3 of Schedule 2 or of the boundary of any such land adjoining a public road, or	1 2 3
(d)	1 January 2017, in the case of an adjustment of the description of land in item 4 of Schedule 2 or of the boundary of any such land adjoining a public road.	4 5 6
<b>[6]</b>	<b>Section 19 Regulations</b>	7
	Insert “or the <i>National Parks and Wildlife Legislation Amendment (Reservations) Act 2011</i> ” after “this Act” in section 19 (2).	8 9
<b>[7]</b>	<b>Schedule 2, heading</b>	10
	Insert “or after” after “on”.	11
<b>[8]</b>	<b>Schedule 8—Land transfers ancillary and special provisions</b>	12
	Omit “1 January 2012” wherever occurring in clauses 3 (2), 4 (b) and 5 (2)–(5) and (8) (a).	13 14
	Insert instead “the relevant date”.	15
<b>[9]</b>	<b>Schedule 8, clause 5 (7)</b>	16
	Omit “1 January 2017 (in the case of reservations taking effect on 1 January 2012)”.	17 18
	Insert instead “the fifth anniversary of the relevant date (in the case of reservations of land described in Schedule 2)”.	19 20