

# National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22

[2010-22]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 7 January 2011

# National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22



New South Wales

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# National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22



New South Wales

An Act to transfer certain State forest land in the Riverina area to the national park estate; to make provision with respect to forestry operations in that area; to amend certain Acts; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *National Park Estate (Riverina Red Gum Reservations) Act 2010*.

### 2 Commencement

This Act commences on 1 July 2010.

### 3 Definitions

(1) In this Act:

**Crown land** has the same meaning as it has in the *Crown Lands Act 1989*.

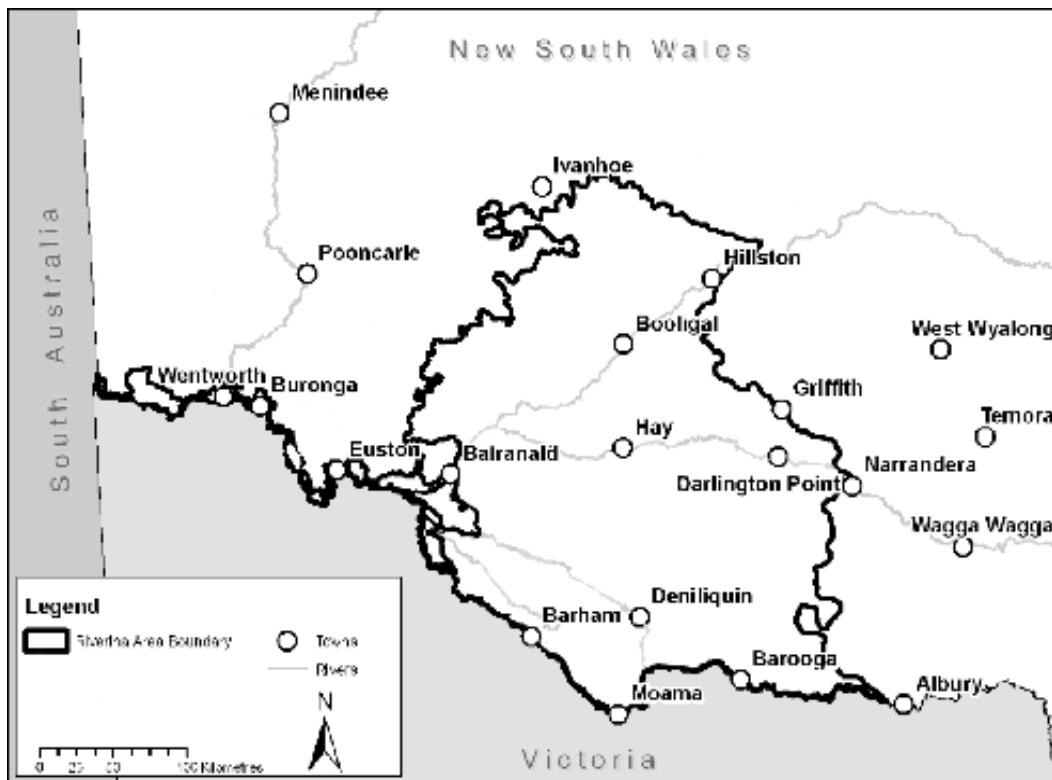
**NPW Minister** means the Minister administering Divisions 1 and 2 of Part 4 of the *National Parks and Wildlife Act 1974*.

**Riverina area** means the area of the State shown in the map at the end of this section.

**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.

(2) Notes included in this Act do not form part of this Act.

### Riverina area



## Part 2 Land transfers

### 4 Revocation of State forests

- (1) The dedication as State forest of the lands described in Schedule 1, 3, 5 or 6 is revoked on 1 July 2010.
- (2) Any notifications under section 19A of the *Forestry Act 1916* that declare, as national forests, areas of State forests whose dedication is revoked by subsection (1) are also revoked by this Act on the date the dedication is revoked, but only to the extent to which they relate to national forests, or parts of national forests, situated within the lands referred to in that subsection.
- (3) Any notices under section 21A of the *Forestry Act 1916* that declare, as special management zones, areas of State forests whose dedication is revoked by subsection (1) are also revoked by this Act on the date the dedication is revoked, but only to the extent to which they relate to special management zones, or parts of special management zones, situated within the lands referred to in that subsection.
- (4) Any notices under section 25A of the *Forestry Act 1916* that set apart, as flora reserves, areas of State forests whose dedication is revoked by subsection (1) are also revoked by this Act on the date the dedication is revoked, but only to the extent to which they relate to flora reserves, or parts of flora reserves, situated within the lands referred to in that subsection.

**5 Reservation of former State forests as national parks or regional parks on 1 July 2010**

- (1) The lands described in Schedule 1 are, on 1 July 2010, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national parks or regional parks (as indicated in that Schedule).
- (2) Subsection (1) does not apply to any land described in Schedule 1 that is also described in Schedule 3.

**6 Reservation of Crown lands as state conservation area on 1 July 2010**

- (1) The lands described in Schedule 2 are, on 1 July 2010, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, state conservation area (as indicated in that Schedule).
- (2) Any timber reserves (within the meaning of the *Forestry Act 1916*) with respect to any land referred to in subsection (1) are revoked by this Act, but only to the extent to which they relate to timber reserves or parts of timber reserves situated within that land.

**7 Vesting in NPW Minister of former State forests land on 1 July 2010**

- (1) The lands described in Schedule 3 vest, on 1 July 2010, in the NPW Minister on behalf of the Crown for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* for an estate in fee simple, freed and discharged from:
  - (a) all trusts, obligations, estates, interests, rights of way or other easements, and
  - (b) any dedication, reservation, Crown grant or vesting to which the lands were subject, and any such dedication, reservation, grant or vesting is revoked.
- (2) Despite subsection (1), the lands described in Schedule 3 are not freed and discharged from:
  - (a) any perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act), or
  - (b) any lease under the *Western Lands Act 1901*,to which the lands were subject immediately before their vesting under this section.

**8 Reservation of Forestry Commission controlled land as national park on 1 July 2010**

- (1) The lands described in Schedule 4 are, on 1 July 2010, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national park (as indicated in that Schedule).
- (2) The lands described in Schedule 4 cease to be subject to section 11A of the *Forestry*

[Act 1916](#) (and any arrangements made under that section) on 1 July 2010.

**9 Former State forests to be subject to [Crown Lands Act 1989](#) on 1 July 2010**

- (1) The lands described in Schedule 5 are, on 1 July 2010, vested in the Crown as Crown land and are subject to the [Crown Lands Act 1989](#).
- (2) The lands described in Schedule 5 are to be dealt with under the [Crown Lands Act 1989](#) as if the preferred use of the lands had been assessed under Part 3 of that Act as use for nature conservation purposes.

**10 Vesting in NPW Minister of former State forests on 1 July 2010 for transfer to Aboriginal ownership**

- (1) The lands described in Schedule 6 vest, on 1 July 2010, in the NPW Minister on behalf of the Crown for the purposes of Part 11 of the [National Parks and Wildlife Act 1974](#) for an estate in fee simple, freed and discharged from:
  - (a) all trusts, obligations, estates, interests, rights of way or other easements, and
  - (b) any dedication, reservation, Crown grant or vesting to which the lands were subject, and any such dedication, reservation, grant or vesting is revoked.
- (2) The purposes for which the lands described in Schedule 6 may be dealt with under Part 11 of the [National Parks and Wildlife Act 1974](#) include the vesting of any of the land in an Aboriginal landholding body.
- (3) Despite subsection (1), the lands described in Schedule 6 are not freed and discharged from:
  - (a) any perpetual lease, special lease or term lease within the meaning of the [Crown Lands \(Continued Tenures\) Act 1989](#) (or from rights or interests arising under an incomplete purchase within the meaning of that Act), or
  - (b) any lease under the [Western Lands Act 1901](#),  
to which the lands were subject immediately before their vesting under this section.

**11 Reservation of land vested in NPW Minister as state conservation area on 1 July 2010**

The lands described in Schedule 7 are, on 1 July 2010, reserved under the [National Parks and Wildlife Act 1974](#) as, or as part of, state conservation area (as indicated in that Schedule).

**12 Change of names and consolidation of existing reserves within national park estate**

The reservation under the [National Parks and Wildlife Act 1974](#) of land as, or as part of, national parks, nature reserves or state conservation areas as described in any clause in Schedule 8 is, on 1 July 2010, revoked and the lands are reserved under that Act as, or as

part of, the national parks, nature reserves or state conservation areas as indicated in the heading to the clause in that Schedule.

### **13 Adjustment of description of land transferred to national park estate**

- (1) The description of any land in Schedules 1–7 (a **relevant Schedule**) may be adjusted in accordance with this section.
- (2) A description of land may be adjusted from time to time:
  - (a) to alter the boundaries of the land for the purposes of the effective management of national park estate land and State forest land, including adjustments to enable boundaries to follow distinctive land features, to provide access to land or to rationalise the boundaries of similar areas of land, or
  - (b) to adjust the boundary of any land adjoining a public road, including adjustments to enable the boundary to follow the formed path of the road or to provide an appropriate setback from the carriageway of the road, or
  - (c) to include, remove or change a description of any easement or restriction to which the land is subject, or
  - (d) to provide a more detailed description of the boundaries of the land.

Any such adjustment may include adding to a relevant Schedule a description of the land removed by the adjustment from the description of land in another relevant Schedule.

- (3) An adjustment of the description of land is to be made by the Director-General of the Department of Environment, Climate Change and Water by a notice published on the NSW legislation website that amends a relevant Schedule.
- (4) A notice under this section may be published only with the approval of:
  - (a) the NPW Minister, and
  - (b) to the extent that the notice applies to a Crown road—the Minister administering the [Crown Lands Act 1989](#), and
  - (c) to the extent that the notice applies to a classified road—the Minister administering the provisions of the [Roads Act 1993](#) relating to classified roads.
- (5) The Director-General of the Department of Environment, Climate Change and Water is required to certify in any notice under this section that the adjustments effected by the notice will not result in any significant reduction in the size or value of national park estate land or State forest land.
- (6) An adjustment of the description of land may only be made before:



- (a) 1 July 2012, except as provided by paragraph (b) or (c), or
  - (b) 1 July 2015, in the case of an adjustment of the description of land in Schedule 3 or 4, or of the boundary of land adjoining a public road, or
  - (c) 1 July 2017, in the case of an adjustment of the description of land in Schedule 6.
- (7) If any of the land described in a relevant Schedule on the commencement of the Schedule is not included in the adjusted description of the land, the land that is not so included is taken never to have been subject to or affected by the provisions of this Act applying to land described in the relevant Schedule.
- (8) If land included in the adjusted description of the land includes any land not described in a relevant Schedule on the commencement of the Schedule, the land concerned is taken to have been subject, on and from the commencement of the Schedule, to the provisions of this Act applying to land described in the relevant Schedule.
- (9) The Director-General of the Department of Environment, Climate Change and Water may, in a notice published under this section for the purpose of adjusting the boundary of land adjoining a public road, declare that:
- (a) any such land (described in the notice) is part of the public road and, accordingly, is vested in the roads authority for that public road under the [Roads Act 1993](#) or is Crown land, or
  - (b) any such land (described in the notice) ceases to be part of that public road and, accordingly, is divested from the relevant roads authority or the Crown and becomes part of the land subject to the provisions of this Act applying to land described in the relevant Schedule in which the land is included.

A declaration under this subsection has effect according to its tenor, despite anything to the contrary in the [Roads Act 1993](#).

- (10) In this section:

**appropriate setback**, in relation to a carriageway of a road, includes a setback that allows for drainage, signposts, traffic control devices, lighting and other supporting infrastructure for the road.

**classified road** and **public road** have the same meanings as they have in the [Roads Act 1993](#).

**land adjoining a public road** includes land in the vicinity of a public road.

**national park estate land** means:

- (a) land reserved under the [National Parks and Wildlife Act 1974](#), or
- (b) land vested in the NPW Minister for the purposes of Part 11 of the [National Parks](#)

*and Wildlife Act 1974.*

### **Part 3 Forestry operations on land remaining as State forest**

#### **14 Definitions**

(1) In this Part:

**Crown-timber lands** has the same meaning as it has in the *Forestry Act 1916*.

**Riverina forestry operations** means forestry operations within the meaning of the *Forestry and National Park Estate Act 1998* to which Part 4 of that Act applies that are carried out in Riverina State forests.

**Riverina State forests** means State forests and other Crown-timber lands in the Riverina area, and include (while they remain State forests) the State forests of Koondrook, Perricoota and Campbells Island.

(2) For the purposes of this Part, forestry operations includes operations for the production or collection of firewood.

#### **15 Integrated forestry operations approval for Riverina forestry operations**

(1) An integrated forestry operations approval may be granted under Part 4 of the *Forestry and National Park Estate Act 1998* for Riverina forestry operations.

**Note—**

Section 28 (4) of that Act provides that such an approval may be granted without the area being covered by a forest agreement.

(2) Division 4 of Part 4 of the *Forestry and National Park Estate Act 1998* applies to continued Riverina forestry operations as if such an integrated forestry operations approval were in force until:

- (a) such an integrated forestry operations approval is granted, or
- (b) 31 December 2010 (or such other later date as may be prescribed by the regulations),

whichever first occurs.

(3) Subsection (2) does not apply to forestry operations that are carried out in contravention of the terms of any licence in force under the *Protection of the Environment Operations Act 1997*, the *National Parks and Wildlife Act 1974*, the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994* (including any such licence as varied from time to time).

## Part 4 Miscellaneous

### 16 Collection of firewood on reserved land under this Act

- (1) Firewood may be collected from land reserved as national park or regional park by this Act for use outside of that or any other land reserved under the *National Parks and Wildlife Act 1974* in the following circumstances:
  - (a) the firewood is not collected for commercial purposes,
  - (b) the firewood is collected by an individual who, or a not-for-profit organisation which, is licensed by the Director-General of the Department of Environment, Climate Change and Water under this section,
  - (c) the firewood is collected from firewood collection zones within the land determined by the Director-General and notified to the holder of any such licence,
  - (d) the firewood is collected in accordance with the conditions of any licence (including any conditions notified to the holder of the licence by the Director-General),
  - (e) the person collecting the firewood does not fell any tree for the purpose of obtaining firewood,
  - (f) the collection of the firewood complies with any other requirements of the regulations.
- (2) Wood obtained from ecological thinning undertaken by the Director-General in any lands reserved under the *National Parks and Wildlife Act 1974* in the Riverina area may be deposited in firewood collection zones for collection by the holders of licences under this section.
- (3) A licence under this section may not be granted for a period that exceeds 1 year, but may be renewed from time to time.
- (4) The Director-General is required to undertake a review of licences under this section as soon as practicable after 1 July 2013. The Director-General is to take into account the environmental sustainability of firewood collection in the reserved areas concerned and any other factors the Director-General considers relevant.

### 17 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.

### 18 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect

to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) Any such provision may, if the regulations so provide, take effect from 1 July 2010 or a later date.
- (4) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Schedule 1 State forests reserved as national park or regional park on 1 July 2010**

(Sections 4 and 5)

### **1 Euston Regional Park**

An area of about 3,274 hectares, being Euston State Forest No 969 dedicated by proclamation published in the NSW Government Gazette on 30 October 1959, and Extensions Nos 1 and 2 published 4 October 1963 and 1 February 1980 respectively.

### **2 Kemendok National Park**

An area of about 9,874 hectares, being Mallee Cliffs State Forest No 772 dedicated by proclamation published in the NSW Government Gazette on 17 February 1922.

### **3 Lachlan Valley National Park**

- (1) An area of about 867 hectares, being Booligal State Forest No 389 dedicated by proclamation published in the NSW Government Gazette on 5 April 1917 and Extension No 1 published 23 April 1926.
- (2) An area of about 769 hectares, being part McFarlands State Forest No 598 dedicated by proclamation published in the NSW Government Gazette on 9 November 1917.
- (3) An area of about 514 hectares, being Moon Moon State Forest No 390 dedicated by proclamation published in the NSW Government Gazette on 5 April 1917 and Extension No 1 published 20 October 1995.

- (4) An area of about 1,315 hectares, being Oxley State Forest No 1000 dedicated by proclamation published in the NSW Government Gazette on 14 November 1975.

#### **4 Lachlan Valley Regional Park**

An area of about 1,564 hectares, being part Hillston State Forest No 1034 dedicated by proclamation published in the NSW Government Gazette on 28 September 1984 and part Extension No 1 published 22 May 1987 comprising Lot 22, DP755170.

#### **5 Murray Valley National Park**

- (1) An area of about 1,201 hectares, being Barooga State Forest No 103 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 26 March 1971.
- (2) An area of about 1,014 hectares, being Boomanoomana State Forest No 101 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 28 September 1928.
- (3) An area of about 113 hectares, being Corowa State Forest No 502 dedicated by proclamation published in the NSW Government Gazette on 22 June 1917.
- (4) An area of about 674 hectares, being Cottadidda State Forest No 102 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 26 May 1922.
- (5) An area of about 4,372 hectares, being so much of Gulpa Island State Forest No 558 as comprises the land designated as 1129-01 on the diagram catalogued Misc R00194 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (6) An area of about 18,925 hectares, being so much of Millewa State Forest No 398 as comprises the land designated as 1129-02 on the diagram catalogued Misc R00194 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (7) An area of about 9,054 hectares, being so much of Moira State Forest No 576 as comprises the land designated as 1129-04 on the diagram catalogued Misc R00195 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (8) An area of about 43 hectares, being Native Dog State Forest No 87 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.
- (9) An area of about 1,682 hectares, being Niemur State Forest No 383 dedicated by proclamation published in the NSW Government Gazette on 30 March 1917 and Extension No 1 published 13 April 1933.

- (10) An area of about 1,671 hectares, being Noorong State Forest No 201 dedicated by proclamation published in the NSW Government Gazette on 16 June 1915, Extension No 1 published 13 October 1939, Extension No 2 published 12 January 1951 and Extension No 3 published 8 January 1954.
- (11) An area of about 190 hectares, being Tholobin State Forest No 530 dedicated by proclamation published in the NSW Government Gazette on 27 July 1917.
- (12) An area of about 66 hectares, being Thornley State Forest No 86 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 13 April 1934.
- (13) An area of about 1,040 hectares, being Tuppal State Forest No 189 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915.
- (14) An area of about 910 hectares, being Wetuppa State Forest No 192 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915, Extension No 1 published 22 February 1957, Extension No 2 published 1 March 1957 and Extension No 3 published 19 October 1984.
- (15) An area of about 391 hectares, being Whymoul State Forest No 575 dedicated by proclamation published in the NSW Government Gazette on 12 October 1917 and Extension No 1 published 3 May 2002.
- (16) An area of about 255 hectares, being Woperana State Forest No 104 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.

## **6 Murray Valley Regional Park**

- (1) An area of about 3,092 hectares, being Bama State Forest No 584 dedicated by proclamation published in the NSW Government Gazette on 26 October 1917.
- (2) An area of about 206 hectares, being Benarca State Forest No 751 dedicated by proclamation published in the NSW Government Gazette on 16 July 1920.
- (3) An area of about 539 hectares, being Collendina State Forest No 98 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 31 January 1941.
- (4) An area of about 399 hectares, being Deniliquin State Forest No 397 dedicated by proclamation published in the NSW Government Gazette on 27 April 1917, Extension No 1 published 15 May 1953, Extension No 2 published 3 May 1957 and Extension No 4 published 29 October 1999.
- (5) An area of about 771 hectares, being so much of Gulpa Island State Forest No 558 as comprises the land designated as 1130-01 on the diagram catalogued Misc R00194 (Edition 1) in the Department of Environment, Climate Change and Water, subject to

any variations or exceptions noted on that diagram.

- (6) An area of about 15 hectares, being Horseshoe Lagoon State Forest No 742 Extension No 1 dedicated by proclamation published in the NSW Government Gazette on 28 September 1934.
- (7) An area of about 577 hectares, being Kyalite State Forest No 380 dedicated by proclamation published in the NSW Government Gazette on 23 March 1917, Extension No 1 published 10 May 1918, Extension No 2 published 15 November 1929 and Extension No 3 published 25 June 1982.
- (8) An area of about 382 hectares, being Liewa State Forest No 193 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915.
- (9) An area of about 1,532 hectares, being so much of Millewa State Forest No 398 as comprises the land designated as 1130-02 on the diagram catalogued Misc R00194 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (10) An area of about 40 hectares, being Moama State Forest No 369 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917.
- (11) An area of about 1,006 hectares, being so much of Moira State Forest No 576 as comprises the land designated as 1130-03 on the diagram catalogued Misc R00194 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (12) An area of about 485 hectares, being Mulwala State Forest No 100 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.
- (13) An area of about 41 hectares, being Quat Quatta State Forest No 785 dedicated by proclamation published in the NSW Government Gazette on 25 May 1923.
- (14) An area of about 139 hectares, being Quat Quatta East State Forest No 484 dedicated by proclamation published in the NSW Government Gazette on 29 June 1917.

## **7 Murrumbidgee Valley National Park**

- (1) An area of about 1,050 hectares, being Benerambah State Forest No 396 dedicated by proclamation published in the NSW Government Gazette on 5 April 1917, Extension No 1 published 22 August 1930 and Extension No 2 published 15 March 1974.
- (2) An area of about 94 hectares, being Billenbah State Forest No 85 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.
- (3) An area of about 230 hectares, being Cararbury State Forest No 386 dedicated by proclamation published in the NSW Government Gazette on 27 April 1917 and

Extension No 1 published 13 November 1970.

- (4) An area of about 1,659 hectares, being Cuba State Forest No 376 dedicated by proclamation published in the NSW Government Gazette on 23 March 1917, Extension No 1 published 13 July 1928 and Extension No 2 published 25 August 2000.
- (5) An area of about 134 hectares, being Dunnoon Lagoon State Forest No 704 dedicated by proclamation published in the NSW Government Gazette on 25 April 1919.
- (6) An area of about 139 hectares, being Euroley State Forest No 84 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and Extension No 1 published 18 July 1930.
- (7) An area of about 133 hectares, being Jurambula State Forest No 79 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.
- (8) An area of about 617 hectares, being Kieeta State Forest No 1073 dedicated by proclamation published in the NSW Government Gazette on 17 March 2006.
- (9) An area of about 8 hectares, being Murrumbidgee State Forest No 998 dedicated by proclamation published in the NSW Government Gazette on 27 December 1974.
- (10) An area of about 61 hectares, being Pembelgong State Forest No 164 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917.
- (11) An area of about 251 hectares, being Uri State Forest No 374 dedicated by proclamation published in the NSW Government Gazette on 23 March 1917.
- (12) An area of about 1,034 hectares, being Yarradda State Forest No 668 dedicated by proclamation published in the NSW Government Gazette on 9 August 1918, Extension No 1 published 14 August 1925 and Extension No 2 published 25 August 1939.

## **8 Murrumbidgee Valley Regional Park**

- (1) An area of about 29 hectares, being Hay State Forest No 1025 dedicated by proclamation published in the NSW Government Gazette on 28 October 1983.
- (2) An area of about 191 hectares, being Narrandera State Forest No 786 dedicated by proclamation published in the NSW Government Gazette on 12 October 1923 and Extension No 1 published 3 June 1927.
- (3) An area of about 922 hectares, being Willbriggie State Forest No 371 dedicated by proclamation published in the NSW Government Gazette on 23 March 1917, Extension No 1 published 19 March 1971, Extension No 2 published 4 May 1984, Extension No 3 published 23 April 1993 and Extension No 4 published 19 January 2007.
- (4) An area of about 55 hectares, being Wooloondool State Forest No 520 dedicated by proclamation published in the NSW Government Gazette on 20 July 1917.



## **Schedule 2 Crown lands reserved as state conservation area on 1 July 2010**

(Section 6)

### **Lachlan Valley State Conservation Area**

An area of about 320 hectares, in the Local Government Area of Hay, Parish of Thononga, County of Franklin, being Lots 23, 54, 91, 92, 94, 96 and 117, DP752995.

## **Schedule 3 State forests vested in NPW Minister on 1 July 2010**

(Sections 4 and 7)

### **1 Land subject to existing lease**

- (1) An area of about 520 hectares, being part Hillston Forest No 1034 Extension No 1 dedicated by proclamation published in the NSW Government Gazette on 22 May 1987 excluding Lot 22, DP755170.
- (2) An area of about 5,006 hectares, being Manie State Forest No 887 dedicated by proclamation published in the NSW Government Gazette on 18 April 1947.
- (3) An area of about 623 hectares, being Ki State Forest No 889 dedicated by proclamation published in the NSW Government Gazette on 18 April 1947.
- (4) An area of about 158 hectares, being Maude State Forest No 1053 dedicated by proclamation published in the NSW Government Gazette on 27 May 1988 and Extension No 1 published 11 November 2005.
- (5) An area of about 269 hectares, being part Nooroong State Forest No 201 Extension No 4 published in the NSW Government Gazette on 17 February 1989 and Extension No 5 published 1 July 2005.
- (6) An area of about 474 hectares, being Quandong State Forest No 941 dedicated by proclamation published in the NSW Government Gazette on 3 December 1954.

### **2 Other lands**

An area of about 5,896 square metres, being Mathoura State Forest No 865 Extension No 1 dedicated by proclamation published in the NSW Government Gazette on 16 August 1940.

## **Schedule 4 Forestry Commission controlled land reserved as national park on 1 July 2010**

(Section 8)

### **Murrumbidgee Valley National Park**

An area of about 5,889 hectares, in the Parishes of Cudgel, Yarangery, Gogeldrie, and Dallas, County of Cooper, being the area whose control and silvicultural management was vested in the Forestry Commission of New South Wales by proclamations published in the NSW Government Gazette on 7 August 1925 and 11 June 1954 under section 11A of the [Forestry Act 1916](#).

## **Schedule 5 State forests made subject to the [Crown Lands Act 1989](#) on 1 July 2010**

(Sections 4 and 9)

### **1 Barman State Forest No 638**

An area of about 61 hectares, being Barman State Forest No 638 dedicated by proclamation published in the NSW Government Gazette on 10 May 1918.

### **2 Benjee State Forest No 534**

An area of about 173 hectares, being Benjee State Forest No 534 dedicated by proclamation published in the NSW Government Gazette on 3 August 1917, and Extensions Nos 1, 2 and 3 published 9 December 1927, 1 April 1932 and 11 May 1984 respectively.

### **3 Berambong State Forest No 205**

An area of about 209 hectares, being Berambong State Forest No 205 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917, and Extension No 1 published 30 December 1983.

### **4 Gol Gol State Forest No 979**

An area of about 1,396 hectares, being Gol Gol State Forest No 979 dedicated by proclamation published in the NSW Government Gazette on 15 September 1961.

### **5 Green Gully State Forest No 368**

An area of about 51 hectares, being Green Gully State Forest No 368 dedicated by proclamation published in the NSW Government Gazette on 23 February 1917.

### **6 McFarlands State Forest No 598**

An area of about 83 hectares, being part McFarlands State Forest No 598 dedicated by proclamation published in the NSW Government Gazette on 22 January 1988 and republished on 3 September 1993.

### **7 Moira State Forest No 576**

An area of about 48 hectares, being part Moira State Forest No 576 dedicated by proclamation published in the NSW Government Gazette on 1 December 1989.

**8 Thule State Forest No 367**

An area of about 119 hectares, being Thule State Forest No 367 dedicated by proclamation published in the NSW Government Gazette on 23 February 1917.

**9 Toms Point State Forest No 673**

An area of about 183 hectares, being Toms Point State Forest No 673 dedicated by proclamation published in the NSW Government Gazette on 13 September 1918.

**10 Wahwoon State Forest No 194**

An area of about 190 hectares, being Wahwoon State Forest No 194 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915.

**11 Waradgery State Forest No 1026**

An area of about 111 hectares, being Waradgery State Forest No 1026 dedicated by proclamation published in the NSW Government Gazette on 28 October 1983 and Extension No 1 published 18 July 1986.

**12 Woorooma State Forest No 532**

An area of about 26 hectares, being Woorooma State Forest No 532 dedicated by proclamation published in the NSW Government Gazette on 3 August 1917.

**13 Woorooma East State Forest No 531**

An area of about 24 hectares, being Woorooma East State Forest No 531 dedicated by proclamation published in the NSW Government Gazette on 3 August 1917.

**14 Yallakool State Forest No 1072**

An area of about 498 hectares, being Yallakool State Forest No 1072 dedicated by proclamation published in the NSW Government Gazette on 11 November 2005.

**Schedule 6 State forests vested in NPW Minister on 1 July 2010 for transfer to Aboriginal ownership**

(Sections 4 and 10)

**1 Banangalite State Forest Nos 88-91**

An area of about 1,223 hectares being Banangalite State Forest Nos 88-91 inclusive dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.

**2 Barratta Creek State Forest No 692**

An area of about 221 hectares being Barratta Creek State Forest No 692 dedicated by

proclamation published in the NSW Government Gazette on 8 November 1918, and Extension No 1 published 28 March 1924.

**3 Lake Victoria State Forest No 773**

An area of about 4,318 hectares, being Lake Victoria State Forest No 773 dedicated by proclamation published in the NSW Government Gazette on 17 February 1922.

**4 Moorna State Forest No 775**

An area of about 3,076 hectares, being Moorna State Forest No 775 dedicated by proclamation published in the NSW Government Gazette on 17 February 1922, Extension No 1 published 5 June 1970 and Extension No 2 published 15 January 1971.

**5 Morago State Forest Nos 92-97**

An area of about 959 hectares, being Morago State Forest Nos 92-97 inclusive dedicated by proclamation published in the NSW Government Gazette on 18 February 1914, Extension No 1 published 14 October 1988, Extension No 2 published 21 October 1988 and Extension No 3 published 25 October 2002.

**6 Stevens Weir State Forest No 989**

An area of about 92 hectares, being Stevens Weir State Forest No 989 dedicated by proclamation published in the NSW Government Gazette on 4 February 1966.

**7 Wangumma State Forest No 774**

An area of about 1,632 hectares, being Wangumma State Forest No 774 dedicated by proclamation published in the NSW Government Gazette on 17 February 1922.

**8 Werai State Forest No 384**

An area of about 9,163 hectares, being Werai State Forest No 384 dedicated by proclamation published in the NSW Government Gazette on 27 April 1917 and Extension No 1 published 14 August 1925.

**Schedule 7 Land vested in the NPW Minister reserved as state conservation area on 1 July 2010**

(Section 11)

**Lachlan Valley State Conservation Area**

An area of about 3,899 hectares, in the Local Government Area of Hay, Parish of Thononga, County of Franklin, being Lots 5, 6, 12, 13, 15, 16, 17, 18, 19, 21, 22, 24, 25, 32, 41, 50, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 90, 93, 95, 97, 98, 99, 100, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115 and 116, DP752995.

An area of about 870 hectares, in the Local Government Area of Hay, Parishes of Thellangering and

Yimbaring, County of Waradgery, being Lots 8, 9, 10, 11 and 16, DP756791 and Lots 12, 13 and 14, DP756814.

## **Schedule 8 Change of names and consolidation of national parks, nature reserves and state conservation areas on 1 July 2010**

(Section 12)

### **1 Lachlan Valley National Park**

An area of about 8,173 hectares, comprising Kalyarr National Park reserved by notice in the NSW Government Gazette on 24 June 2005.

### **2 Lachlan Valley Nature Reserve**

An area of about 437 hectares, comprising Goonawarra Nature Reserve reserved by notice in the NSW Government Gazette on 19 May 1967.

### **3 Lachlan Valley State Conservation Area**

An area of about 10,846 hectares, comprising Kalyarr State Conservation Area reserved by notice in the NSW Government Gazette on 10 November 2006 and 15 August 2008.

### **4 Murrumbidgee Valley National Park**

An area of about 31,190 hectares, comprising Yanga National Park reserved by notice in the NSW Government Gazette on 28 February 2007.

### **5 Murrumbidgee Valley Nature Reserve**

- (1) An area of about 1,773 hectares, comprising Yanga Nature Reserve reserved by notice in the NSW Government Gazette on 28 April 1972.
- (2) An area of about 71 hectares, comprising Narrandera Nature Reserve reserved by notice in the NSW Government Gazette on 24 September 1965, excluding the area revoked under the [National Parks and Wildlife \(Amendment\) Act 1969](#).

### **6 Murrumbidgee Valley State Conservation Area**

An area of about 33,890 hectares, comprising Yanga State Conservation Area reserved by notice in the NSW Government Gazette on 28 February 2007.

## **Schedule 9 Land transfers—ancillary and special provisions**

### **1 Exclusion of freehold and certain leasehold interests**

- (1) The following land is not reserved by this Act:
  - (a) land that a person holds for an estate in fee simple,
  - (b) land that a person holds under a perpetual lease, a special lease or a term lease

within the meaning of the *Crown Lands (Continued Tenures) Act 1989*,

- (c) land that a person holds under a lease under the *Western Lands Act 1901*,
- (d) land that is comprised in an incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*,
- (e) land that has been transferred to Murrumbidgee Irrigation Limited by operation of the order of the Minister for Land and Water Conservation under section 78 of the *Irrigation Corporations Act 1994* dated 26 June 1997.

(2) This clause has effect despite any other provision of this Act.

(3) However, this clause does not apply to any interest in land of the NPW Minister or the Water Administration Ministerial Corporation.

## **2 Application of Act**

- (1) This Act has effect despite the provisions of the *Forestry Act 1916* and, in particular, despite any different procedure under that Act for the revocation of State forests, national forests, special management zones, flora reserves or timber reserves.
- (2) This Act has effect despite the provisions of the *National Parks and Wildlife Act 1974* and, in particular, despite any different procedure for reserving or vesting, or revoking the reservation of, land under that Act.

## **3 Reservation of lands as national parks, regional parks or state conservation areas**

- (1) The lands reserved as, or as parts of, national parks, regional parks or state conservation areas by this Act are, for the purposes of the *National Parks and Wildlife Act 1974*, taken to have been so reserved by notice published under Division 1 of Part 4 of that Act.
- (2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a notice under Division 1 of Part 4 of that Act is, in relation to a reservation of any of the lands described in Schedule 1, 4 or 7 that is effected by this Act, taken to be a reference to the commencement of the operation of the Schedules.
- (3) A name assigned to any national park, regional park or state conservation area by this Act is taken to have been assigned to that land by notice published under Division 1 of Part 4 of the *National Parks and Wildlife Act 1974*.
- (4) Sections 35, 47D and 47R of the *National Parks and Wildlife Act 1974* do not apply to a reservation of land as, or as part of, a national park, regional park or state conservation area that is effected by this Act.

#### 4 Existing leases under [Forestry Act 1916](#) affecting lands reserved as national parks

Section 42 (2) of the [National Parks and Wildlife Act 1974](#) applies to and in respect of a lease under the [Forestry Act 1916](#), being a lease:

- (a) affecting any of the lands described in Schedule 1 or 4 that are reserved as, or as parts of, national parks by this Act, and
- (b) current and in force immediately before 1 July 2010,

in the same way as that section applies to a licence or permit under the [Forestry Act 1916](#).

#### 5 Access roads within national parks or regional parks

(1) In this clause:

**access roads** means the roads, tracks, trails and other means of access referred to in subclause (2) (a)–(c).

**private land holding** means land held:

- (a) by an owner within the meaning of the [National Parks and Wildlife Act 1974](#), or
- (b) as a holding within the meaning of the [Crown Lands Act 1989](#).

(2) This clause applies to and in respect of the following access roads situated within the lands described in Schedule 1, 2 or 4 immediately before 1 July 2010:

- (a) roads of access within the meaning of section 33A of the [Forestry Act 1916](#),
- (b) roads, tracks, trails and other means of access used, immediately before 1 July 2010, for access to private land holdings within those lands,
- (c) roads, tracks, trails and other means of access through those lands to State forests or private land holdings that adjoin or are in the vicinity of the lands.

(3) The access roads to which this clause applies are not, on 1 July 2010, reserved as, or as part of, a national park or regional park by this Act but vest in the NPW Minister on behalf of the Crown for the purposes of Part 11 of the [National Parks and Wildlife Act 1974](#) for an estate in fee simple, freed and discharged from:

- (a) all trusts, obligations, estates, interests, rights of way or other easements, and
- (b) any dedication, reservation, Crown grant or vesting to which the lands were subject, and any such dedication, reservation, grant or vesting is revoked.

(4) The access roads may continue, subject to this clause, to be used for the purposes for which they were used immediately before 1 July 2010.

- (5) The NPW Minister must, under section 149 of the *National Parks and Wildlife Act 1974*, grant a right of way over an access road to which this clause applies for the benefit of a private land holding in order to replace any right of way duly granted under section 20A of the *Forestry Act 1916* for the benefit of that land holding and in force immediately before 1 July 2010.
- (6) The NPW Minister may from time to time revoke or vary the grant of a right of way under subclause (5).
- (7) Before 1 July 2015 the NPW Minister must, by one or more orders published in the Gazette, declare which of the access roads to which this clause applies:
  - (a) are excluded from reservation as part of a national park or regional park, or
  - (b) are not so excluded and are reserved as part of the national park or regional park in which they are situated.

An order under this subclause may be published only with the concurrence of the Minister administering the *Forestry Act 1916*.

- (8) On the publication of an order under subclause (7):
  - (a) the access roads that are referred to in the order as excluded from reservation as part of a national park or regional park remain vested in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* and may, subject to this clause, continue to be used for the purposes for which they were used immediately before 1 July 2010, and
  - (b) the access roads that are not so excluded are reserved as part of the national park or regional park within which they are situated.
- (9) Nothing in this clause affects the exercise of any power, authority, duty or function by the NPW Minister or any other person under and in accordance with the *National Parks and Wildlife Act 1974* in relation to any access road to which this clause applies.
- (10) While a private land holding is in private ownership, nothing in this clause authorises the NPW Minister to close any access road that comprises the only practical means of access to the land holding.
- (11) This clause has effect despite the provisions of the *Forestry Act 1916*.

## **6 Status of land vested in NPW Minister**

- (1) Any land that is vested by this Act in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* is taken to have been acquired by that Minister under that Part, and may be dealt with by that Minister as if it had been so acquired.



- (2) Any such land is, to the extent that it relates to land subject to a lease preserved by section 7 or 10, taken to be Crown land reserved from sale for the purpose of any application by the holder of the lease to purchase the land comprised in the lease.

#### **7 Provisions relating to activities carried out on land vested in NPW Minister**

- (1) This clause applies to and in respect of land vested in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* by this Act.
- (2) For the avoidance of doubt, the purposes for which the NPW Minister's powers under section 149 of the *National Parks and Wildlife Act 1974* may be exercised in respect of land to which this clause applies include enabling an activity to continue to be carried out that was carried out on the land before it was so vested.
- (3) The Director-General of the Department of Environment, Climate Change and Water may authorise the use of relevant access roads for the purpose of enabling any lawful activity to be carried out on the land to which this clause applies.
- (4) In this clause, **relevant access roads** means roads, tracks, trails and other means of access through any land reserved under the *National Parks and Wildlife Act 1974* to land to which this clause applies.

#### **8 Administration of existing interests affecting land vested in NPW Minister**

- (1) The administration of matters relating to existing interests affecting any of the lands described in Schedule 3 or 6, and preserved by section 7 or 10, is vested in the NPW Minister.
- (2) For the purposes of subclause (1), the NPW Minister has the powers of the Minister administering the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*.
- (3) In this clause, **existing interest** means a perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase within the meaning of that Act) or a lease under the *Western Lands Act 1901*.

#### **9 Saving in relation to revocations**

A revocation effected by this Act does not affect anything done or omitted to be done before the revocation takes effect.

#### **10 Non-application of section 138 of Roads Act 1993**

Section 138 of the *Roads Act 1993* does not apply to anything done under a provision of this Act in relation to a road that is, or is on, land reserved under this Act.

## 11 Provisions relating to certain existing access roads

(1) In this clause:

**access road** means an access road to which clause 5 of this Schedule applies.

**exclusion order** means an order under clause 5 (7) of this Schedule that excludes an access road from reservation under this Act.

(2) At the time an exclusion order is made, the NPW Minister may, by order published in the Gazette, determine a width (not being a width greater than 30 metres) for an access road that is to be excluded from reservation under this Act by the exclusion order.

(3) An order under subclause (2) may:

- (a) be made only with the concurrence of the Minister administering the *Forestry Act 1916*, and
- (b) be made by the same order that constitutes the exclusion order concerned, and
- (c) be made only if the NPW Minister has determined it is appropriate after considering:
  - (i) the objects of the *National Parks and Wildlife Act 1974*, and
  - (ii) whether a road of the determined width is necessary to provide access to land in the vicinity of the road or to provide an appropriate setback (within the meaning of section 13) from the carriageway of the road.

(4) On the making of an order under subclause (2):

- (a) land of the determined width that follows the centreline of the access road (as it existed before the order was made) vests, if it is not already vested, in the NPW Minister on behalf of the Crown for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* for an estate in fee simple, freed and discharged from:
  - (i) all trusts, obligations, estates, interests, rights of way or other easements, and
  - (ii) any dedication, reservation, Crown grant or vesting to which the land is subject, and any such dedication, reservation, grant or vesting is revoked, and
- (b) the land referred to in paragraph (a) is taken to be an access road and may continue to be used for the purposes for which it was used immediately before the making of the order, and
- (c) if any land was vested in the NPW Minister by virtue of being an access road, but is not covered by the land referred to in paragraph (a), the land is reserved as part of the reserved land within which it is situated.

## **Schedule 10 (Repealed)**