

Passed by both Houses



New South Wales

National Park Estate (South-Western Cypress Reservations) Bill 2010

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2010*



New South Wales

National Park Estate (South-Western Cypress Reservations) Bill 2010

Act No , 2010

An Act to transfer certain State forest land in the South-Western area to the national park estate; to make provisions with respect to forestry operations in that area; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

Clause 1 National Park Estate (South-Western Cypress Reservations) Bill 2010

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *National Park Estate (South-Western Cypress Reservations) Act 2010*.

2 Commencement

This Act commences on 1 January 2011.

3 Definitions

(1) In this Act:

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

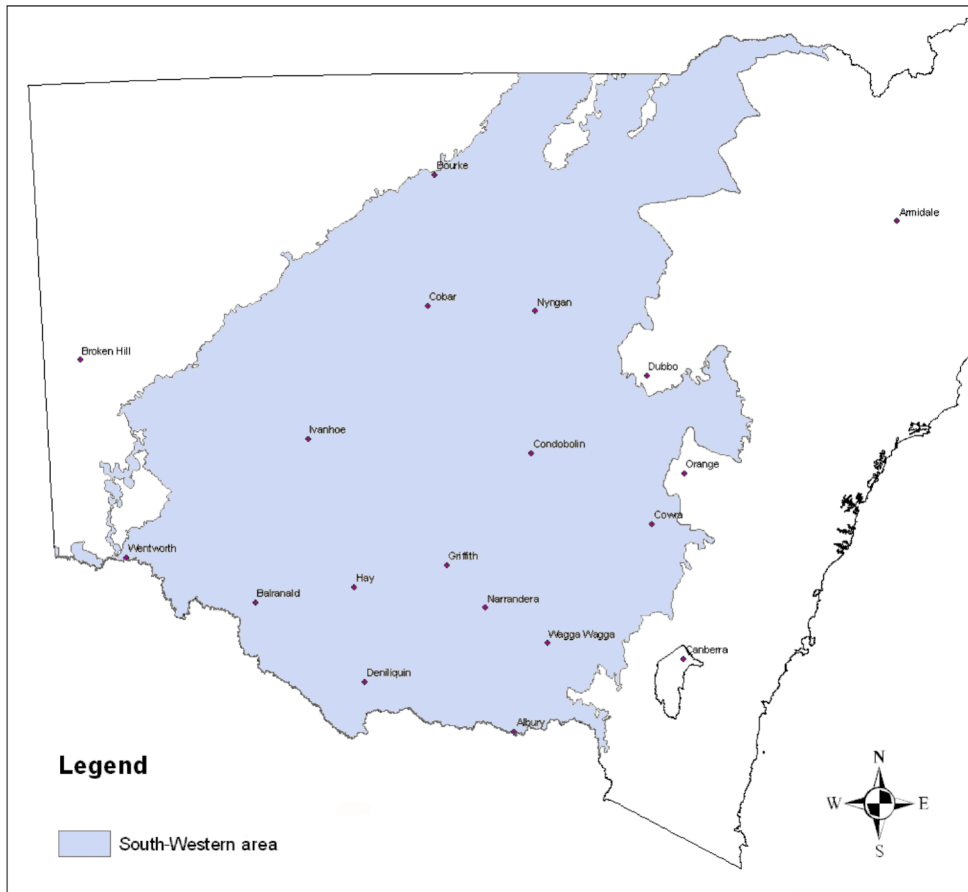
NPW Minister means the Minister administering Divisions 1 and 2 of Part 4 of the *National Parks and Wildlife Act 1974*.

South-Western 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.

South-Western area



Part 2 Land transfers

4 Revocation of State forests

- (1) The dedication as State forest of:
 - (a) the lands described in Schedules 1, 3 and 6 is revoked on 1 January 2011, and
 - (b) the lands described in Schedule 2 is revoked on 1 January 2012.
- (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) This section has effect in respect of all land below the surface of land described in a Schedule to this Act even if the reservation is limited to a depth of 100 metres below the surface of the land.

5 Reservation of former State forests as national park, nature reserve or state conservation area on 1 January 2011

- (1) The lands described in Schedule 1 are, on 1 January 2011, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national park, nature reserve or state conservation area (as indicated in that Schedule).
- (2) Subsection (1) does not apply to any land described in Schedule 1 that is also described in Schedule 6.

Note. Crown lands in the Brigalow and Nandewar area are also reserved as conservation zones under the *Brigalow and Nandewar Community Conservation Area Act 2005* by amendments to that Act contained in Schedule 7.

6 Reservation of former State forests as national park or nature reserve on 1 January 2012

- (1) The lands described in Schedule 2 are, on 1 January 2012, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national park or nature reserve (as indicated in that Schedule).
- (2) Land described in Schedule 2 cannot be disposed of or leased under the *Forestry Act 1916* before 1 January 2012.
- (3) The following licences and permits cannot be issued or renewed in respect of land described in Schedule 2 before 1 January 2012, without the approval of the Director-General of the Department of Environment, Climate Change and Water:
 - (a) a products licence under section 27B of the *Forestry Act 1916*,
 - (b) a forest materials licence under section 27C of the *Forestry Act 1916*,
 - (c) a grazing permit under section 31 of the *Forestry Act 1916*,
 - (d) an occupation permit under section 31 of the *Forestry Act 1916*,
 - (e) a special purposes permit under section 32F of the *Forestry Act 1916*.
- (4) An approval under subsection (3) may be given in respect of a particular licence or permit or in respect of licences or permits of a particular kind.
- (5) Subsection (1) does not apply to any land described in Schedule 2 that is also described in Schedule 6.

7 Former State forests to be subject to Crown Lands Act 1989 on 1 January 2011

- (1) The lands described in Schedule 3 are, on 1 January 2011, vested in the Crown as Crown land and are subject to the *Crown Lands Act 1989*.
- (2) The lands described in Schedule 3 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 or for other purposes compatible with the environmental values of the land.

8 Reservation of Crown land as national park, nature reserve or state conservation area on 1 January 2011

The lands described in Schedule 4 are, on 1 January 2011, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national

park, nature reserve or state conservation area (as indicated in that Schedule).

Note. Schedule 4 contains 2 Parts:

Part 1—General, and

Part 2—Compensatory reservation for revocation relating to Merry Beach Caravan Park.

9 Reservation of Joulni Station, Willandra Lakes

The lands described in Schedule 5 are reserved, on 1 January 2011, as part of national park or state conservation area (as indicated in that Schedule).

10 Vesting in NPW Minister of former State forests on 1 January 2011

- (1) The lands described in Schedule 6 vest, on 1 January 2011, 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 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 Revocation in Murramarang National Park relating to Merry Beach Caravan Park

- (1) The reservation under the *National Parks and Wildlife Act 1974* as national park of the following land that is part of Murramarang National Park is revoked:

An area of about 6.5 hectares, being the land edged red on the diagram catalogued Misc R00107 (Edition 1) in the Department of Environment, Climate Change and Water, subject to the variations or exceptions noted on that diagram.

- (2) On the revocation of the reservation as national park of the land described in subsection (1), that land vests in the Crown for an estate in fee simple subject to the *Crown Lands Act 1989*, 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 land was subject, and any such dedication, reservation, grant or vesting is revoked.
- (3) An adjustment of the description of land in subsection (1) may be made under section 15, and for that purpose a notice under that section may amend the description in subsection (1). The adjustment may be made for the purpose of revoking the reservation of land lawfully occupied by caravans in addition to the other purposes for which an adjustment may be made under section 15.

12 Area in Manna State Forest to become special management zone

The Minister administering the *Forestry Act 1916* is, before 1 January 2013, to declare an area of land within Manna State Forest to be a special management zone under section 21A of the *Forestry Act 1916*, being an area of land that the Minister and the NPW Minister agree is of high conservation value (including Aboriginal cultural heritage value).

13 Review of classification as state conservation area

- (1) This section applies to land described in Schedule 1, 2, 4 or 5 that is reserved by this Act as state conservation area.
- (2) The Director-General of the Department of Environment, Climate Change and Water and the Director-General of the Department of Industry and Investment are required to conduct a joint review, before 1 January 2012, of the status of the land to which this section applies.
- (3) The review is to determine which areas of the land should remain as state conservation area and which areas of the land should be reserved as national park, having regard to evidence of the mineral values of the land. The determination (and the reasons for the determination) are required to be publicly notified by those Directors-General.
- (4) On 1 January 2012, the land to which this section applies (other than any land which it is determined under subsection (3) should remain as state conservation area) is taken to be reserved as national park under the relevant Schedule to this Act (and the reservation of the land as state conservation area is revoked).

- (5) A determination under this section may apply to part only of a particular description of land in a relevant Schedule.
- (6) The Director-General of the Department of Environment, Climate Change and Water may, by notice published on the NSW legislation website, amend a relevant Schedule to this Act to include in a reservation of land effected by the operation of subsection (4) particulars of its reservation as national park on 1 January 2012, including the name of the national park concerned.

Note. Schedule 7 contains an amendment to the *Brigalow and Nandewar Community Conservation Area Act 2005* that requires a similar review in relation to areas reserved as Zone 3 under that Act.

14 Land subject to Aboriginal land claims

- (1) This section applies to land that, immediately before 1 January 2011, is subject to a pending land claim under Division 2 of Part 2 of the *Aboriginal Land Rights Act 1983* and that is reserved under Schedule 4 or 5 to this Act or by the amendments made to the *Brigalow and Nandewar Community Conservation Area Act 2005* by Schedule 7 to this Act.
- (2) Land to which this section applies is taken, for the purposes only of Division 2 of Part 2 of the *Aboriginal Land Rights Act 1983*, not to be reserved by the operation of Schedule 4 or by the amendments made by Schedule 7 to this Act, and accordingly any such pending land claim may continue to be dealt with under that Act.
- (3) If any such pending land claim is granted under Division 2 of Part 2 of the *Aboriginal Land Rights Act 1983* and land is transferred under that Division, the land transferred ceases to be reserved under Schedule 4 or under the *Brigalow and Nandewar Community Conservation Area Act 2005* as amended by Schedule 7.
- (4) For the purposes of this section, a **pending land claim** includes a land claim that is subject to a pending appeal to the Land and Environment Court or a pending right to make such an appeal.

15 Adjustment of description of land transferred to national park estate

- (1) The description of any land in Schedules 1–6 (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

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- (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 relates to a State forest—the Minister administering the *Forestry Act 1916*, and
 - (c) to the extent that the notice applies to Crown land or a Crown road—the Minister administering the *Crown Lands Act 1989*, and
 - (d) 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 be made only before:
 - (a) 1 January 2013, except as provided by paragraph (b), or
 - (b) 1 January 2014, in the case of an adjustment of the description of land in Schedule 2 or of the boundary of land adjoining a public road.
- (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

16 Definitions

- (1) In this Part:

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

South-Western 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 South-Western State forests.

South-Western State forests means State forests and other Crown-timber lands in the South-Western area, and include (while they remain State forests) the State forests to which Schedule 2 applies and the State forests of Wilbertroy, Blow Clear West, Yathong and Banandra.

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

17 Integrated forestry operations approval for South-Western forestry operations

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

Note. Section 28 (5) 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 South-Western 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) 30 June 2011 (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 State forests or other Crown-timber lands that are Riverina State forests within the meaning of Part 3 of the *National Park Estate (Riverina Red Gum Reservations) Act 2010* and that are required to be carried out in accordance with an integrated forestry operations approval referred to in that Part of that Act.

- (4) Subsection (2) does not apply to forestry operations that are carried out in contravention of the terms of any licence in force under the

Clause 17 National Park Estate (South-Western Cypress Reservations) Bill 2010

Part 3 Forestry operations on land remaining as State forest

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

18 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.

19 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 January 2011 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, nature reserve or state conservation area on 1 January 2011

(Sections 4 and 5)

The reservations in this Schedule are restricted to a depth of 100 metres below the surface of the land.

1 Lachlan Valley National Park

- (1) An area of about 270 hectares, being Gunning Gap State Forest No 254 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917 and No 1 Extension published 2 February 1968 and No 2 Extension published 17 September 1976.
- (2) An area of about 117 hectares, being part of Kiacatoo State Forest No 1039 dedicated by proclamation published in the NSW Government Gazette on 5 July 1985 within Lot 34, DP704734.
- (3) An area of about 140 hectares, being Towyal State Forest No 202 dedicated by proclamation published in the NSW Government Gazette on 19 May 1915.
- (4) An area of about 567 hectares, being part of Wilbertroy State Forest No 35 dedicated by proclamation published in the NSW Government Gazette on 10 December 1913 and West and South Extensions published 3 November 1916, designated as 1136-01 on the diagram catalogued Misc R00232 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

2 Murrumbidgee Valley National Park

- (1) An area of about 547 hectares, being part of Banandra State Forest Nos 80, 81 and 82 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and No 1 Extension published 11 January 1935, designated as 1137-01 on the diagram catalogued Misc R00236 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (2) An area of about 1,197 hectares, being Berry Jerry State Forest No 188 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915 and Nos 1, 2 and 3 Extensions published 20 April 1928, 3 February 1961 and 20 March 1964, respectively.
- (3) An area of about 228 hectares, being part of Boona State Forest No 375 dedicated by proclamation published in the NSW Government Gazette

on 23 March 1917 and No 1 Extension published 7 January 1955, southeast of Cattanach Road.

3 South West Woodland Nature Reserve

- (1) An area of about 307 hectares, being Berrigan State Forest No 495 dedicated by proclamation published in the NSW Government Gazette on 8 June 1917 and No 1 Extension published 18 February 1955.
- (2) An area of about 127 hectares, being Blow Clear State Forest No 211 dedicated by proclamation published in the NSW Government Gazette on 20 October 1916.
- (3) An area of about 1,253 hectares, being part of Blow Clear West State Forest No 265 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917 and No 1 Extension published 12 March 1920, designated as 960-01 on the diagram catalogued Misc R00235 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (4) An area of about 283 hectares, being Blue Mallee State Forest No 953 dedicated by proclamation published in the NSW Government Gazette on 3 May 1957.
- (5) An area of about 1,437 hectares, being Booroorban State Forest No 370 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917.
- (6) An area of about 432 hectares, being part of Buddigower State Forest No 872 dedicated by proclamation published in the NSW Government Gazette on 16 August 1940.
- (7) An area of about 381 hectares, being Buggajool State Forest No 300 dedicated by proclamation published in the NSW Government Gazette on 5 January 1917.
- (8) An area of about 53 hectares, being Cadow State Forest No 214 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917 and No 1 Extension published 17 October 1975.
- (9) An area of about 547 hectares, being Cookamidgera State Forest No 42 dedicated by proclamation published in the NSW Government Gazette on 10 December 1913 and No 1 Extension published 11 May 1984.
- (10) An area of about 765 hectares, being Coradgery State Forest No 239 dedicated by proclamation published in the NSW Government Gazette on 3 November 1916 and No 1 Extension published 27 May 1977.

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Schedule 1 State forests reserved as national park, nature reserve or state conservation area on 1 January 2011

- (11) An area of about 593 hectares, being Edgar State Forest No 190 dedicated by proclamation published in the NSW Government Gazette on 10 February 1915.
- (12) An area of about 101 hectares, being Goolgowi State Forest No 963 dedicated by proclamation published in the NSW Government Gazette on 5 September 1958 and No 1 Extension published 14 November 1980.
- (13) An area of about 778 hectares, being Hiawatha State Forest No 198 dedicated by proclamation published in the NSW Government Gazette on 28 January 1915 and No 1 Extension published 24 October 1958.
- (14) An area of about 1,515 hectares, being Killonbutta State Forest No 754 dedicated by proclamation published in the NSW Government Gazette on 6 August 1920 and No 1 Extension published 10 March 1922 and No 2 Extension published 13 September 1957.
- (15) An area of about 172 hectares, being Kulki State Forest No 497 dedicated by proclamation published in the NSW Government Gazette on 15 June 1917.
- (16) An area of about 57 hectares, being Little Blow Clear State Forest No 212 dedicated by proclamation published in the NSW Government Gazette on 20 October 1916.
- (17) An area of about 219 hectares, being Lake Urana State Forest No 508 dedicated by proclamation published in the NSW Government Gazette on 20 July 1917.
- (18) An area of about 483 hectares, being Mairjimmy State Forest No 492 dedicated by proclamation published in the NSW Government Gazette on 13 July 1917 and No 1 Extension published 18 May 1962.
- (19) An area of about 1,514 hectares, being Mandagery State Forest No 43 dedicated by proclamation published in the NSW Government Gazette on 10 December 1913.
- (20) An area of about 161 hectares, being Merriwagga State Forest No 1006 dedicated by proclamation published in the NSW Government Gazette on 4 November 1977 and No 1 Extension published 28 January 1994.
- (21) An area of about 63 hectares, being Narraburra State Forest No 259 dedicated by proclamation published in the NSW Government Gazette on 17 November 1916.
- (22) An area of about 425 hectares, being Puckawidgee State Forest No 366 dedicated by proclamation published in the NSW Government Gazette on 23 February 1917.

- (23) An area of about 751 hectares, being Stackpoole State Forest No 1003 dedicated by proclamation published in the NSW Government Gazette on 19 November 1976 and No 1 Extension published 18 July 1980.
- (24) An area of about 308 hectares, being Steam Plains State Forest No 365 dedicated by proclamation published in the NSW Government Gazette on 9 March 1917.
- (25) An area of about 625 hectares, being West Cookeys Plains State Forest No 225 dedicated by proclamation published in the NSW Government Gazette on 20 October 1916.
- (26) An area of about 187 hectares, being Wyalong State Forest No 997 dedicated by proclamation published in the NSW Government Gazette on 18 October 1974 and No 1 Extension published 24 December 1976.
- (27) An area of about 179 hectares, being Yeo Yeo State Forest No 665 dedicated by proclamation published in the NSW Government Gazette on 23 August 1918 and No 1 Extension published 30 August 1963.

4 Balowra State Conservation Area

An area of about 1,718 hectares, being part of Balowra State Forest No 897 dedicated by proclamation published in the NSW Government Gazette on 8 January 1960, excluding Lot 3911, DP766384.

5 Bedooba State Conservation Area

An area of about 1,720 hectares, being Bedooba State Forest No 888 dedicated by proclamation published in the NSW Government Gazette on 18 April 1947.

6 Bendick Murrell National Park

An area of about 1,784 hectares, being Bendick Murrell State Forest No 923 dedicated by proclamation published in the NSW Government Gazette on 10 February 1950 and No 1 Extension published 5 September 1958.

7 Combaning State Conservation Area

An area of about 741 hectares, being Combaning State Forest No 791 dedicated by proclamation published in the NSW Government Gazette on 26 June 1925 and No 1 Extension published 20 May 1938.

8 Gilwarry Nature Reserve

An area of about 1,221 hectares, being part of Gilwarry State Forest No 553 dedicated by proclamation published in the NSW Government Gazette on 28 September 1917 and No 1 Extension published 5 October 1934 and No 2 Extension published 28 April 1967, designated as

Schedule 1	State forests reserved as national park, nature reserve or state conservation area on 1 January 2011
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959-01 on the diagram catalogued Misc R00237 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

9 Jimberoo National Park

An area of about 1,161 hectares, being part of Jimberoo State Forest No 1010 dedicated by proclamation published in the NSW Government Gazette on 6 July 1979 and No 1 Extension published 29 May 1981.

10 Jindalee National Park

An area of about 1,076 hectares, being Jindalee State Forest No 666 dedicated by proclamation published in the NSW Government Gazette on 23 August 1918 and No 1 Extension published 15 January 1971.

11 Paddington Nature Reserve

An area of about 6,682 hectares, being Paddington State Forest No 930 and Nos 1 and 2 Extensions dedicated by proclamation published in the NSW Government Gazette on 28 December 1951.

12 Wingadee Nature Reserve

An area of about 304 hectares, being Wingadee State Forest No 65 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914.

13 Yathong Nature Reserve

An area of about 4,212 hectares, being part of Yathong State Forest No 890 dedicated by proclamation published in the NSW Government Gazette on 18 April 1947, designated as 497-01 on the diagram catalogued Misc R00234 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

14 Young Nature Reserve

An area of about 453 hectares, being Young State Forest No 922 dedicated by proclamation published in the NSW Government Gazette on 10 February 1950.

Schedule 2 State forests reserved as national park or nature reserve on 1 January 2012

(Sections 4 and 6)

The reservations in this Schedule are restricted to a depth of 100 metres below the surface of the land.

1 Carrabear Nature Reserve

An area of about 181 hectares, being Carrabear State Forest No 903 dedicated by proclamation published in the NSW Government Gazette on 14 October 1949.

2 South West Woodland Nature Reserve

- (1) An area of about 194 hectares, being part of Banandra State Forest Nos 81 and 82 dedicated by proclamation published in the NSW Government Gazette on 18 February 1914 and No 1 Extension published 11 January 1935, designated as 1137-02 on the diagram catalogued Misc R00236 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.
- (2) An area of about 189 hectares, being part of Blow Clear West State Forest No 265 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917, designated as 960-02 on the diagram catalogued Misc R00235 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

3 Lachlan Valley National Park

An area of about 1,048 hectares, being part of Wilbertroy State Forest No 35 dedicated by proclamation published in the NSW Government Gazette on 10 December 1913 and West Extension published 3 November 1916, designated as 1136-02 on the diagram catalogued Misc R00232 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

4 Yathong Nature Reserve

An area of about 4,151 hectares, being part of Yathong State Forest No 890 dedicated by proclamation published in the NSW Government Gazette on 18 April 1947, designated as 497-02 on the diagram catalogued Misc R00234 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

Schedule 3 State forests made subject to Crown Lands Act 1989 on 1 January 2011

(Sections 4 and 7)

- 1** An area of about 271 hectares, being Cumbijowa State Forest No 262 dedicated by proclamation published in the NSW Government Gazette on 2 March 1917.
- 2** An area of about 30 hectares, being Gin Gin State Forest No 935 dedicated by proclamation published in the NSW Government Gazette on 1 May 1953.
- 3** An area of about 110 hectares, being Holybon State Forest No 1067 dedicated by proclamation published in the NSW Government Gazette on 9 August 1991.
- 4** An area of about 24 hectares, being Jerilderie State Forest No 937 dedicated by proclamation published in the NSW Government Gazette on 26 June 1953.
- 5** An area of about 312 hectares, being Reefton State Forest No 894 dedicated by proclamation published in the NSW Government Gazette on 22 March 1951.

Schedule 4 Crown land reserved as national park, nature reserve or state conservation area on 1 January 2011

(Section 8)

Part 1 General

1 Goulburn River State Conservation Area

An area of about 359.4 hectares, in the local government area of Mid-Western Regional, Parish of Munmurra, County of Bligh, being Lot 127, DP750757.

This reservation is restricted to a depth of 100 metres below the surface of the land.

2 Addition to Kwiambal National Park

An area of about 28.16 hectares, in the local government area of Inverell, Parish of Macintyre and Severn, County of Arrawatta, being Lots 30 and 32, DP704046 and Lot 7300, DP1152045.

This reservation is restricted to a depth of 100 metres below the surface of the land.

3 Addition to Pilliga Nature Reserve

An area of about 47.44 hectares, in the local government area of Warrumbungle Shire, Parishes of Dandry and Yaminba, County of Baradine, being Lot 19, DP750267 and that part of Lot 7301, DP1145109 west of the Newell Highway and south of Lot 7, DP701719.

4 Addition to Towarri National Park

An area of about 25.14 hectares, in the local government area of Upper Hunter, Parish of Tinagaroo, County of Brisbane, being Lots 248 and 250, DP725002.

This reservation is restricted to a depth of 100 metres below the surface of the land.

5 Addition to Warrumbungle National Park

An area of about 248 hectares, in the local government areas of Gilgandra and Warrumbungle Shire, Parishes of Tonderburine and

National Park Estate (South-Western Cypress Reservations) Bill 2010

Schedule 4 Crown land reserved as national park, nature reserve or state conservation area on 1 January 2011

Timor, County of Gowen, being Lot 97, DP48483 and Lot 67, DP41621.

This reservation is restricted to a depth of 100 metres below the surface of the land.

Part 2 Compensatory reservation for revocation relating to Merry Beach Caravan Park

6 Addition to Meroo National Park

An area of about 85 hectares, in the local government area of Shoalhaven City, Parish of Termeil, County of St Vincent, being the beds of Meroo Lake and Reedy Creek bounded by Meroo National Park and the northern boundary of Lot 3, DP629548.

Schedule 5 Joulni Station, Willandra Lakes, added to Mungo National Park or Mungo State Conservation Area

(Section 9)

1 Addition to Mungo National Park

An area of about 10,040 hectares, being that part of Lot 1032, DP762247 designated as 49-01 on the diagram catalogued Misc R00233 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

2 Mungo State Conservation Area

An area of about 5,700 hectares, being that part of Lot 1032, DP762247 designated as 49-02 on the diagram catalogued Misc R00233 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram.

**Schedule 6 State forests vested in NPW Minister on
1 January 2011**

(Sections 4 and 10)

- 1** An area of about 215 hectares, being part of Buddigower State Forest No 872, No 1 Extension, dedicated by proclamation published in the NSW Government Gazette on 11 May 1984.
- 2** An area of about 341 hectares, being part of Balowra State Forest No 897 dedicated by proclamation published in the NSW Government Gazette on 8 January 1960, within Lot 3911, DP766384.
- 3** An area of about 1,922 hectares, being part of Jimberoo State Forest No 1010, No 2 Extension dedicated by proclamation published in the NSW Government Gazette on 14 August 1987.
- 4** An area of about 20 hectares, being part of Kiacatoo State Forest No 1039, dedicated by proclamation published in the NSW Government Gazette on 5 July 1985, within Lot 27, DP752098.

Schedule 7 Amendment of Brigalow and Nandewar Community Conservation Area Act 2005 No 56

[1] Section 22 Adjustment of description of transferred land

Insert after section 22 (9):

- (9A) This section extends to land included in Schedule 1, 2 or 3 by the *National Park Estate (South-Western Cypress Reservations) Act 2010*. For that purpose, an adjustment may be made under this section at any time before 1 January 2014.

[2] Section 22A

Insert after section 22:

22A Review of classification as Zone 3

- (1) This section applies to land within Zone 3 of the Community Conservation Area that was reserved by the *National Park Estate (South-Western Cypress Reservations) Act 2010*.
- (2) The Director-General of the Department of Environment, Climate Change and Water and the Director-General of the Department of Industry and Investment are required to conduct a joint review, before 1 January 2012, of the status of the land to which this section applies.
- (3) The review is to determine which areas of the land should remain as Zone 3 and which areas of the land should be reserved as Zone 1, having regard to evidence of the mineral values of the land. The determination (and the reasons for the determination) are required to be publicly notified by those Directors-General.
- (4) On 1 January 2012, the land to which this section applies (other than any land which it is determined under subsection (3) should remain as Zone 3) is taken to be reserved as Zone 1 under this Act (and the reservation of the land as Zone 3 is revoked).
- (5) A determination under this section may apply to part only of a particular description of land within Zone 3.
- (6) The Director-General of the Department of Environment, Climate Change and Water may, by notice published on the NSW legislation website, amend Schedules 1 and 3 to give effect to subsection (4) and to make any necessary consequential changes.

[3] Schedule 1 Zone 1—Conservation and recreation

Insert after clause 34 in Part 4:

35 Community Conservation Area Zone 1 Breelong

An area of about 118.7 hectares, being Lot 7301, DP1150099 in the local government area of Gilgandra, Parishes of Breelong and Boyben, County of Gowen.

This reservation is restricted to a depth of 100 metres below the surface of the land.

36 Community Conservation Area Zone 1 Crooked Creek

An area of about 735.7 hectares, being Lot 61, DP750075 in the local government area of Inverell, Parish of Bowman, County of Arrawatta.

This reservation is restricted to a depth of 100 metres below the surface of the land.

37 Community Conservation Area Zone 1 Hobden Hill

An area of about 830.4 hectares, being Lots 60 and 66, DP752187 in the local government area of Tamworth Regional, Parish of Hobden, County of Darling.

This reservation is restricted to a depth of 100 metres below the surface of the land.

38 Community Conservation Area Zone 1 Rocky Glen

An area of about 483.3 hectares, being Lot 41, DP43504 in the local government area of Warrumbungle, Parish of Borah, County of White.

This reservation is restricted to a depth of 100 metres below the surface of the land.

39 Community Conservation Area Zone 1 Sappa Bulga

An area of about 120.9 hectares, being Lot 104, DP753233 in the local government area of Dubbo, Parish of Dubbo, County of Gordon.

This reservation is restricted to a depth of 100 metres below the surface of the land.

40 Community Conservation Area Zone 1 Serpentine Ridge

An area of about 354.4 hectares, being Lot 7004, DP96122, Lot 7012, DP96119 and Lot 104, DP40594 in the local

government area of Gwydir, Parishes of Dinoga, Gouron and Hall, County of Murchison.

This reservation is restricted to a depth of 100 metres below the surface of the land.

41 Community Conservation Area Zone 1 Wallabadah

An area of about 5.82 hectares, being Lot 7007, DP1024634, Lot 7006, DP1024632, Lot 355, DP751031 and Lot 371, DP44237 in the local government area of Liverpool Plains, Parish of Wallabadah, County of Buckland.

This reservation is restricted to a depth of 100 metres below the surface of the land.

42 Community Conservation Area Zone 1 Watsons Creek

An area of about 334.8 hectares, being Lot 7016, DP1086543, Lot 7001, DP1086544, Lot 7002, DP1084855 and Lot 138, DP753839 in the local government area of Tamworth Regional, Parish of Haning, County of Inglis.

This reservation is restricted to a depth of 100 metres below the surface of the land.

[4] Schedule 2 Zone 2—Conservation and Aboriginal culture

Omit Part 2. Insert instead:

Part 2 Future additions to Zone 2

6 Community Conservation Area Zone 2 Boonalla

An area of about 43.31 hectares, being Lot 7005, DP92924 in the local government area of Gunnedah, Parish of Yarrari, County of Nandewar.

This reservation is restricted to a depth of 100 metres below the surface of the land.

[5] Schedule 3 Zone 3—Conservation, recreation and mineral extraction

Insert in appropriate order in Part 3:

28 Community Conservation Area Zone 3 Adelyne

An area of about 147.7 hectares, being Lot 4, DP754326 in the local government area of Warrumbungle Shire, Parish of Taylor, County of Lincoln.

This reservation is restricted to a depth of 100 metres below the surface of the land.

29 Community Conservation Area Zone 3 Bingara

An area of about 14.72 hectares, being Lot 116, DP754851 in the local government area of Gwydir, Parish of Molroy, County of Murchison.

This reservation is restricted to a depth of 100 metres below the surface of the land.

30 Community Conservation Area Zone 3 Durridgere

An area of about 34.2 hectares, being Lot 7, DP750748 in the local government area of Mid-Western Regional, Parish of Curryall, County of Bligh.

This reservation is restricted to a depth of 100 metres below the surface of the land.

31 Community Conservation Area Zone 3 Goonoo

An area of about 770 hectares, being Lot 10, DP721223, Lot 7300, DP1138674, Lot 37, DP705202 in the local government area of Warrumbungle Shire, Parishes of Mirrie and Boston, County of Lincoln.

This reservation is restricted to a depth of 100 metres below the surface of the land.

32 Community Conservation Area Zone 3 Tingha Plateau

An area of about 3,414 hectares, being the land designated as 1156-01 on the diagram catalogued Misc R00238 (Edition 1) in the Department of Environment, Climate Change and Water, subject to any variations or exceptions noted on that diagram, in the local government area of Inverell, Parishes of Clive, Clare, Herbert, Swinton and Boston, Counties of Hardinge and Gough.

This reservation is restricted to a depth of 100 metres below the surface of the land.

33 Community Conservation Area Zone 3 Woodsreef

An area of about 330.6 hectares, being Lot 7004, DP1056211, Lot 7021, DP1093675, Lot 6, DP44162 and that part of Lot 110,

National Park Estate (South-Western Cypress Reservations) Bill 2010

Amendment of Brigalow and Nandewar Community Conservation Area Act Schedule 7
2005 No 56

DP41641, north of Woodsreef Road, in the local government area
of Tamworth Regional, Parish of Woodsreef, County of Darling.

This reservation is restricted to a depth of 100 metres below the
surface of the land.

Schedule 8 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*.
- (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, in the case of land to which Schedule 5 applies, any interest in the land of the Soil Conservation Commission.

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, nature reserves or state conservation areas

- (1) The lands reserved as, or as parts of, national parks, nature reserves 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, 2, 4 or 5 that is effected by this Act, taken to be a reference to the commencement of the operation of the relevant provision of this Act that effects the reservation on 1 January 2011 or, in the case of lands described in Schedule 2, 1 January 2012.

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- (3) A name assigned to any national park, nature reserve 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 (including section 35 as applied by section 58) and 47D of the *National Parks and Wildlife Act 1974* do not apply to a reservation of land as, or as part of, a national park, nature reserve or state conservation area that is effected by this Act.

4 Existing leases under Forestry Act 1916 affecting lands reserved as national parks, nature reserves or state conservation areas

Sections 42 (2), 47K and 55 of the *National Parks and Wildlife Act 1974* apply 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, 2, 4 or 5 that are reserved as, or as parts of, national parks, nature reserves or state conservation areas by this Act, and
- (b) current and in force immediately before 1 January 2011 (except in the case of lands described in Schedule 2) or before 1 January 2012 (in the case of lands described in Schedule 2),

in the same way as those sections apply to a licence or permit under the *Forestry Act 1916*.

5 Access roads within national parks etc

- (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, 4 or 5 immediately before 1 January 2011 or the lands described in Schedule 2 immediately before 1 January 2012:
- (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 January 2011 or 1 January 2012 (as the case requires), 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 January 2011 or 1 January 2012 (as the case requires), reserved as, or as part of, a national park, nature reserve or state conservation area 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 January 2011 or 1 January 2012, as the case requires.
- (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 January 2011 or 1 January 2012, as the case requires.
- (6) The NPW Minister may from time to time vary the grant of a right of way under subclause (5).
- (7) Before 1 January 2016 (in the case of reservations taking effect on 1 January 2011) or before 1 January 2017 (in the case of reservations taking effect on 1 January 2012), 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, nature reserve or state conservation area, or
- (b) are not so excluded and are reserved as part of the national park, nature reserve or state conservation area 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, nature reserve or state

conservation area 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 January 2011 or 1 January 2012, as the case requires, and

- (b) the access roads that are not so excluded are reserved as part of the national park, nature reserve or state conservation area 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 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 6, and preserved by section 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 Crown reserves in reserved lands

Any dedication or reservation of land under Part 5 of the *Crown Lands Act 1989* is revoked if the land is reserved under Schedule 4 or 7.

10 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.

Schedule 9 Amendment of Acts

9.1 Forestry and National Park Estate Act 1998 No 163

Section 28 Forest agreement prerequisite for approval

Insert after section 28 (4):

- (5) This section does not apply in respect of the South-Western area as defined in the *National Park Estate (South-Western Cypress Reservations) Act 2010*.

9.2 National Parks and Wildlife Act 1974 No 80

[1] Section 188D Provisions relating to certain existing access roads on National Park Estate lands

Insert at the end of the definition of *access road* in section 188D (9):

- (h) clause 5 of Schedule 8 to the *National Park Estate (South-Western Cypress Reservations) Act 2010*.

[2] Section 188D (9)

Insert at the end of the definition of *exclusion order*:

- (h) clause 5 (7) of Schedule 8 to the *National Park Estate (South-Western Cypress Reservations) Act 2010*.

9.3 Native Title (New South Wales) Act 1994 No 45

Section 104A Saving of native title rights and interests with respect to national parks and other reservations, dedications or declarations

Insert “, the *National Park Estate (South-Western Cypress Reservations) Act 2010*” after “*National Park Estate (Riverina Red Gum Reservations) Act 2010*” in section 104A (1) (a).