

Passed by both Houses



New South Wales

National Park Estate (Reservations) Bill 2003

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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, , 2003*



New South Wales

National Park Estate (Reservations) Bill 2003

Act No , 2003

An Act to transfer certain State forest land to the national park estate; 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.

Chairman of Committees of the Legislative Assembly.

Clause 1 National Park Estate (Reservations) Bill 2003

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *National Park Estate (Reservations) Act 2003*.

2 Commencement

This Act commences on 1 July 2003.

3 Definitions

In this Act:

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

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.

Part 2 Land transfers

4 Revocation of State forests and associated flora reserves, special management zones and national forests

- (1) The dedication as State forest of the following lands is revoked:
 - (a) lands described in Schedule 1,
 - (b) subject to section 6, lands described in Schedule 2,
 - (c) lands described in Schedule 3.
- (2) 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, but only to the extent to which they relate to flora reserves situated (or partly 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, but only to the extent to which they relate to special management zones situated (or partly situated) within the lands referred to in that subsection.
- (4) 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, 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.

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

- (1) The lands described in Schedule 1 and (subject to section 6) Schedule 2 are reserved under the *National Parks and Wildlife Act 1974* as, or as part of, the following (as indicated in that Schedule):
 - (a) national parks,
 - (b) nature reserves,
 - (c) state conservation areas.
- (2) This section does not apply to any land described in Schedule 1 or 2 that is also described in Schedule 3.

6 Delayed transfer of certain former State forests to national park estate

- (1) In this section:
delayed transfer date, in relation to any land described in Schedule 2, means:
- (a) 1 July 2006, except as provided by paragraph (b), or
 - (b) such earlier date as is appointed by proclamation in relation to the land.
- (2) The reservation of land by section 5 does not have effect in relation to any land described in Schedule 2 until the delayed transfer date.
- (3) The revocation of a dedication, notice or notification by section 4 does not have effect in relation to any land described in Schedule 2 until the delayed transfer date.
- (4) Land described in Schedule 2 cannot be disposed of or leased under the *Forestry Act 1916* before the delayed transfer date.
- (5) The following licences and permits cannot be issued in respect of land described in Schedule 2 before the delayed transfer date, without the approval of the Director-General of National Parks and Wildlife:
- (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*.
- (6) This section has effect despite anything to the contrary in this or any other Act.

7 Vesting in NPW Minister of certain former State forests

- (1) The lands described in Schedule 3 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.
- (2) Despite subsection (1), the lands described in Schedule 3 are not freed and discharged from 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) to which the lands were subject immediately before their vesting under this section.

8 Areas in State forests declared as special management zones

- (1) The lands described in Schedule 4 that are within State forests are declared to be special management zones under section 21A of the *Forestry Act 1916*.
- (2) This section does not apply to any lands described in Schedule 4 that are within any areas of State forests whose dedication is revoked by this Act.

9 Adjustment of description of land transferred to national park estate

- (1) The description of any land in Schedule 1, 2, 3 or 4 (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 set back 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.

- (3) An adjustment of the description of land is to be made by the Director-General of National Parks and Wildlife by a notice published in the Gazette that amends a relevant Schedule.
- (4) A notice under this section may only be published with the approval of:
 - (a) the NPW Minister, and
 - (b) the Minister administering the *Forestry Act 1916*, 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 National Parks and Wildlife 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 2004, except as provided by paragraph (b), or
 - (b) 1 July 2008, in the case of an adjustment of the description of land in Schedule 3 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 this Act 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 this Act or the relevant Schedule (except as provided by subsection (9)).
- (8) If land included in the adjusted description of the land includes any land not described in a relevant Schedule on the commencement of this Act, the land concerned is taken to have been subject to this Act and the relevant Schedule on the commencement of this Act.
- (9) The Director-General of National Parks and Wildlife 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

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- (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 applicable to the relevant Schedule to this Act 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:

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 dedicated or set apart as a flora reserve under the *Forestry Act 1916*, or
- (c) land declared as a special management zone under the *Forestry Act 1916*, or
- (d) land vested in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*.

public road or ***classified road*** means a public road or classified road, respectively, within the meaning of the *Roads Act 1993*.

10 Land transfers—ancillary and special provisions

Schedule 5 has effect.

Part 3 Miscellaneous

11 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.

12 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 the commencement of this Act 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 in the Gazette, 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.

13 Amendment of Native Title (New South Wales) Act 1994 No 45

The *Native Title (New South Wales) Act 1994* is amended by omitting from section 104A (1) (a) the words “or the *National Park Estate (Reservations) Act 2002*” and by inserting instead the words “, the *National Park Estate (Reservations) Act 2002* or the *National Park Estate (Reservations) Act 2003*”.

**Schedule 1 State forests reserved as national park,
nature reserve or state conservation area**
(Sections 4 and 5)

1 Black Bulga State Conservation Area

- (1) An area of about 419 hectares, being the whole or part of Chichester State Forest No 292, within the land shown by the light blue tint on map catalogued MISC R 00251 Edition 3 in the National Parks and Wildlife Service, and named Black Bulga State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 1,135 hectares, being the whole or part of Trevor State Forest No 280, within the land shown by the light blue tint on map catalogued MISC R 00251 Edition 3 in the National Parks and Wildlife Service, and named Black Bulga State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

2 Addition to Bongil Bongil National Park

An area of about 2,786 hectares, being the whole or part of Pine Creek State Forest No 537, within the land shown by the pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and named Bongil Bongil National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

3 Addition to Bungawalbin State Conservation Area

An area of about 1,763 hectares, being the whole or part of Bungawalbin State Forest No 152, within the land shown by the light blue tint on map catalogued MISC R 00242 Edition 3 in the National Parks and Wildlife Service, and named Bungawalbin State Conservation Area Addition on the face of that map, subject to any variations or exceptions noted on that map.

4 Butterleaf State Conservation Area

An area of about 712 hectares, being the whole or part of Butterleaf State Forest No 307, within the land shown by the light blue tint on map catalogued MISC R 00243 Edition 3 in the National Parks and Wildlife Service, and named Butterleaf State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

5 Additions to Chaelundi National Park

- (1) An area of about 502 hectares, being the whole or part of Ellis State Forest No 831, within the land shown by the pink tint on map catalogued MISC R 00246 Edition 3 in the National Parks and Wildlife Service, and named Chaelundi National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 2,693 hectares, being the whole or part of Sheas Nob State Forest No 803, within the land shown by the pink tint on map catalogued MISC R 00246 Edition 3 in the National Parks and Wildlife Service, and named Chaelundi National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

6 Additions to Chaelundi State Conservation Area

- (1) An area of about 1,035 hectares, being the whole or part of Chaelundi State Forest No 996, within the land shown by the light blue tint on map catalogued MISC R 00244 Edition 3 in the National Parks and Wildlife Service, and named Chaelundi State Conservation Area Addition on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 366 hectares, being the whole or part of Ellis State Forest No 831, within the land shown by the light blue tint on map catalogued MISC R 00246 Edition 3 in the National Parks and Wildlife Service, and named Chaelundi State Conservation Area Addition on the face of that map, subject to any variations or exceptions noted on that map.
- (3) An area of about 140 hectares, being the whole or part of Sheas Nob State Forest No 803, within the land shown by the light blue tint on map catalogued MISC R 00246 Edition 3 in the National Parks and Wildlife Service, and named Chaelundi State Conservation Area Addition on the face of that map, subject to any variations or exceptions noted on that map.

7 Copeland Tops State Conservation Area

An area of about 1,692 hectares, being the whole or part of Copeland Tops State Forest No 990, within the land shown by the light blue tint on map catalogued MISC R 00250 Edition 3 in the National Parks and Wildlife Service, and named Copeland Tops State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

8 Addition to Ghin-Doo-Ee National Park

An area of about 1,155 hectares, being the whole or part of Myall River State Forest No 294, within the land shown by the pink tint on map catalogued MISC R 00249 Edition 3 in the National Parks and Wildlife Service, and named Ghin-Doo-Ee National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

9 Gumbaynggirr State Conservation Area

- (1) An area of about 1,449 hectares, being the whole or part of Buckra Bendinni State Forest No 471, within the land shown by the light blue tint on map catalogued MISC R 00248 Edition 3 in the National Parks and Wildlife Service, and named Gumbaynggirr State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 953 hectares, being the whole or part of Mistake State Forest No 525, within the land shown by the light blue tint on map catalogued MISC R 00248 Edition 3 in the National Parks and Wildlife Service, and named Gumbaynggirr State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.
- (3) An area of about 159 hectares, being the whole or part of Oakes State Forest No 609, within the land shown by the light blue tint on map catalogued MISC R 00248 Edition 3 in the National Parks and Wildlife Service, and named Gumbaynggirr State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

10 Addition to Guy Fawkes River National Park

An area of about 24 hectares, being the whole or part of Chaelundi State Forest No 996, within the land shown by the pink tint on map catalogued MISC R 00244 Edition 3 in the National Parks and Wildlife Service, and named Guy Fawkes River National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

11 Jilliby State Conservation Area

- (1) An area of about 4,423 hectares, being the whole or part of Olney State Forest No 124, within the land shown by the light blue tint on maps catalogued MISC R 00253 and MISC R 00255 Edition 3 in the National Parks and Wildlife Service, and named Jilliby State

Schedule 1	State forests reserved as national park, nature reserve or state conservation area
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Conservation Area on the face of those maps, subject to any variations or exceptions noted on those maps. The above reservation for Jilliby State Conservation Area is restricted to a depth of 50 metres.

- (2) An area of about 3,836 hectares, being the whole or part of Ourimbah State Forest No 290, within the land shown by the light blue tint on map catalogued MISC R 00254 Edition 3 in the National Parks and Wildlife Service, and named Jilliby State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map. The above reservation for Jilliby State Conservation Area is restricted to a depth of 50 metres.
- (3) An area of about 58 hectares, being the whole or part of Watagan State Forest No 123, within the land shown by the light blue tint on map catalogued MISC R 00253 Edition 3 in the National Parks and Wildlife Service, and named Jilliby State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map. The above reservation for Jilliby State Conservation Area is restricted to a depth of 50 metres.
- (4) An area of about 3,842 hectares, being the whole or part of Wyong State Forest No 281, within the land shown by the light blue tint on map catalogued MISC R 00255 Edition 3 in the National Parks and Wildlife Service, and named Jilliby State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map. The above reservation for Jilliby State Conservation Area is restricted to a depth of 50 metres.

12 Lake Innes State Conservation Area

An area of about 321 hectares, being the whole or part of Queens Lake State Forest No 475, within the land shown by the light blue tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and named Lake Innes State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

13 Addition to Myall Lakes National Park

An area of about 2,889 hectares, being the whole or part of Myall River State Forest No 294, within the land shown by the pink tint on map catalogued MISC R 00252 Edition 3 in the National Parks and Wildlife Service, and named Myall Lakes National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

14 Addition to Nowendoc National Park

An area of about 2,929 hectares, being the whole or part of Tuggolo State Forest No 312, within the land shown by the pink tint on map catalogued MISC R 00257 Edition 3 in the National Parks and Wildlife Service, and named Nowendoc National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

15 Addition to Nymboi-Binderay National Park

An area of about 173 hectares, being the whole or part of Clouds Creek State Forest No 111, within the land shown by the pink tint on map catalogued MISC R 00246 Edition 3 in the National Parks and Wildlife Service, and named Nymboi-Binderay National Park Addition on the face of that map, subject to any variations or exceptions noted on that map.

16 Additions to Queens Lake Nature Reserve

- (1) An area of about 5 hectares, being the whole or part of Burrawan State Forest No 181, within the land shown by the pink tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and named Queens Lake Nature Reserve Addition on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 406 hectares, being the whole or part of Queens Lake State Forest No 475, within the land shown by the pink tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and named Queens Lake Nature Reserve Addition on the face of that map, subject to any variations or exceptions noted on that map.

17 Queens Lake State Conservation Area

- (1) An area of about 269 hectares, being the whole or part of Cowarra State Forest No 59, within the land shown by the light blue tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and named Queens Lake State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

Schedule 1	State forests reserved as national park, nature reserve or state conservation area
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- (2) An area of about 757 hectares, being the whole or part of Queens Lake State Forest No 475, within the land shown by the light blue tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and named Queens Lake State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

18 Additions to Sherwood Nature Reserve

- (1) An area of about 813 hectares, being the whole or part of Conglomerate State Forest No 349, within the land shown by the pink tint on map catalogued MISC R 00247 Edition 3 in the National Parks and Wildlife Service, and named Sherwood Nature Reserve Addition on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 367 hectares, being the whole or part of Wedding Bells State Forest No 360, within the land shown by the pink tint on map catalogued MISC R 00247 Edition 3 in the National Parks and Wildlife Service, and named Sherwood Nature Reserve Addition on the face of that map, subject to any variations or exceptions noted on that map.

19 Whian Whian State Conservation Area

- (1) An area of about 180 hectares, being the whole or part of Whian Whian East State Forest No 3, within the land shown by the light blue tint on map catalogued MISC R 00241 Edition 3 in the National Parks and Wildlife Service, and named Whian Whian State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 2,259 hectares, being the whole or part of Whian Whian State Forest No 173, within the land shown by the light blue tint on map catalogued MISC R 00241 Edition 3 in the National Parks and Wildlife Service, and named Whian Whian State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

20 Wollumbin National Park

An area of about 1,662 hectares, being the whole or part of Wollumbin State Forest No 357, within the land shown by the pink tint on map catalogued MISC R 00240 Edition 3 in the National Parks and Wildlife Service, and named Wollumbin National Park on the face of that map, subject to any variations or exceptions noted on that map.

21 Wollumbin State Conservation Area

An area of about 368 hectares, being the whole or part of Wollumbin State Forest No 357, within the land shown by the light blue tint on map catalogued MISC R 00240 Edition 3 in the National Parks and Wildlife Service, and named Wollumbin State Conservation Area on the face of that map, subject to any variations or exceptions noted on that map.

Schedule 2	State forests reserved as national park, nature reserve or state conservation area on delayed transfer date
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Schedule 2 State forests reserved as national park, nature reserve or state conservation area on delayed transfer date

(Sections 4, 5 and 6)

1 Addition to Bongil Bongil National Park

An area of about 95 hectares, being the part of Pine Creek State Forest No 537, within the land shown by the brown tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled D002 on the face of that map, subject to any variations or exceptions noted on that map.

2 Additions to Queens Lake Nature Reserve

- (1) An area of about 5 hectares, being the part of Burrawan State Forest No 181, within the land shown by the brown tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and labelled D001 on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 17 hectares, being the part of Queens Lake State Forest No 475, within the land shown by the brown tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and labelled D003 on the face of that map, subject to any variations or exceptions noted on that map.

Schedule 3 State forests vested in NPW Minister

(Sections 4 and 7)

Part 1 Land subject to existing leases

1 Part Chaelundi State Forest No 996

- (1) An area of about 56 hectares, being part of Chaelundi State Forest No 996, within the land shown by the dark pink tint on map catalogued MISC R 00244 Edition 3 in the National Parks and Wildlife Service, and labelled V001 on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 1,448 hectares, being part of Chaelundi State Forest No 996, within the land shown by the dark pink tint on map catalogued MISC R 00244 Edition 3 in the National Parks and Wildlife Service, and labelled V002 on the face of that map, subject to any variations or exceptions noted on that map.

2 Part Copeland Tops State Forest No 990

An area of about 615 hectares, being part of Copeland Tops State Forest No 990, within the land shown by the dark pink tint on map catalogued MISC R 00250 Edition 3 in the National Parks and Wildlife Service, and labelled V010 on the face of that map, subject to any variations or exceptions noted on that map.

3 Part Tuggolo State Forest No 312

- (1) An area of about 209 hectares, being part of Tuggolo State Forest No 312, within the land shown by the dark pink tint on map catalogued MISC R 00256 Edition 3 in the National Parks and Wildlife Service, and labelled V014 on the face of that map, subject to any variations or exceptions noted on that map.
- (2) An area of about 675 hectares, being part of Tuggolo State Forest No 312, within the land shown by the dark pink tint on map catalogued MISC R 00257 Edition 3 in the National Parks and Wildlife Service, and labelled V015 on the face of that map, subject to any variations or exceptions noted on that map.

Part 2 Other

4 Part Conglomerate State Forest No 349

An area of about 1 hectare, being part of Conglomerate State Forest No 349, within the land shown by the dark pink tint on map catalogued MISC R 00247 Edition 3 in the National Parks and Wildlife Service, and labelled V009 on the face of that map, subject to any variations or exceptions noted on that map.

5 Part Myall River State Forest No 294

An area of about 1 hectare, being part of Myall River State Forest No 294, within the land shown by the dark pink tint on map catalogued MISC R 00252 Edition 3 in the National Parks and Wildlife Service, and labelled V011 on the face of that map, subject to any variations or exceptions noted on that map.

6 Part Olney State Forest No 124

An area of about 1 hectare, being part of Olney State Forest No 124, within the land shown by the dark pink tint on map catalogued MISC R 00253 Edition 3 in the National Parks and Wildlife Service, and labelled V012 on the face of that map, subject to any variations or exceptions noted on that map.

7 Part Ourimbah State Forest No 290

An area of about 1 hectare, being part of Ourimbah State Forest No 290, within the land shown by the dark pink tint on map catalogued MISC R 00254 Edition 3 in the National Parks and Wildlife Service, and labelled V013 on the face of that map, subject to any variations or exceptions noted on that map.

8 Part Pine Creek State Forest No 537

- (1) An area of about 0.2 hectare, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V003 on the face of that map, subject to any variations or exceptions noted on that map.

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- (2) An area of about 4 hectares, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V004 on the face of that map, subject to any variations or exceptions noted on that map.
 - (3) An area of about 17 hectares, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V005 on the face of that map, subject to any variations or exceptions noted on that map.
 - (4) An area of about 1 hectare, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V006 on the face of that map, subject to any variations or exceptions noted on that map.
 - (5) An area of about 0.5 hectare, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V007 on the face of that map, subject to any variations or exceptions noted on that map.
 - (6) An area of about 9 hectares, being part of Pine Creek State Forest No 537, within the land shown by the dark pink tint on map catalogued MISC R 00245 Edition 3 in the National Parks and Wildlife Service, and labelled V008 on the face of that map, subject to any variations or exceptions noted on that map.

9 Part Queens Lake State Forest No 475

An area of about 1 hectare, being part of Queens Lake State Forest No 475, within the land shown by the dark pink tint on map catalogued MISC R 00258 Edition 3 in the National Parks and Wildlife Service, and labelled V016 on the face of that map, subject to any variations or exceptions noted on that map.

Schedule 4 Areas in State forests declared as special management zones under Forestry Act 1916

Schedule 4 Areas in State forests declared as special management zones under Forestry Act 1916

(Section 8)

The whole or parts of the State forests designated as Special Management Zone and shown by the red tint on the maps catalogued MISC R 00259 and MISC R 00260 Edition 1 in the National Parks and Wildlife Service.

Schedule 5 Land transfers—ancillary and special provisions

(Section 10)

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 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.

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 following:
 - (a) the revocation of State forests, special management zones, flora reserves or national forests,
 - (b) the declaration of special management zones.
- (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 for vesting, 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:
 - (a) in relation to a reservation of any of the lands described in Schedule 1 that is effected by this Act, taken to be a reference to the enactment of this Act, and

- (b) in relation to a reservation of any of the lands described in Schedule 2 that is effected by this Act, taken to be a reference to the delayed transfer date for the lands as referred to in section 6.
- (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) Section 35 (including section 35 as applied by section 58) and section 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

Section 42 (2) (including section 42 (2) as applied by section 47K) and section 55 (2) 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 or Schedule 2 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:
 - (i) in the case of any of the lands described in Schedule 1—the commencement of this Act, or
 - (ii) in the case of any of the lands described in Schedule 2—the delayed transfer date for the lands as referred to in section 6,

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

5 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 and preserved by section 7, 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*.

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- (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).

6 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).
- commencement of this Act*, in relation to land described in Schedule 2, means the delayed transfer date for the land as referred to in section 6.
- 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 or 2 immediately before the commencement of this Act:
- (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 the commencement of this Act, 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 the commencement of this Act, 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 the commencement of this Act.
- (5) Before the relevant date, 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 the commencement of this Act. In this subclause, **relevant date** means 1 July 2004 or (if the access road is situated within land described in Schedule 2) 1 July 2007.
- (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 2008, 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 the commencement of this Act, 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.

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- (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*.

7 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, 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.

8 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 National Parks and Wildlife 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.

9 Declaration of special management zones

- (1) The lands declared as special management zones by this Act are, for the purposes of the *Forestry Act 1916*, taken to have been declared by notice under section 21A of that Act.

- (2) A name and number assigned to any such special management zone by this Act is taken to have been assigned to that special management zone under the *Forestry Act 1916*.
- (3) A reference in the *Forestry Act 1916* to the publication of a notice under section 21A of that Act is, in relation to a declaration effected by this Act, taken to be a reference to the enactment of this Act.

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.