

FIRST PRINT

KHAPPINGHAT NATURE RESERVE BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to protect certain land in northeastern New South Wales:

- (a) by dedicating the land, described in Schedule 1 to the proposed Act, as a nature reserve; and
- (b) by revoking all existing interests, including mining interests, relating to the land; and
- (c) by requiring the removal from the land of any works associated with mining and requiring the restoration of the land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

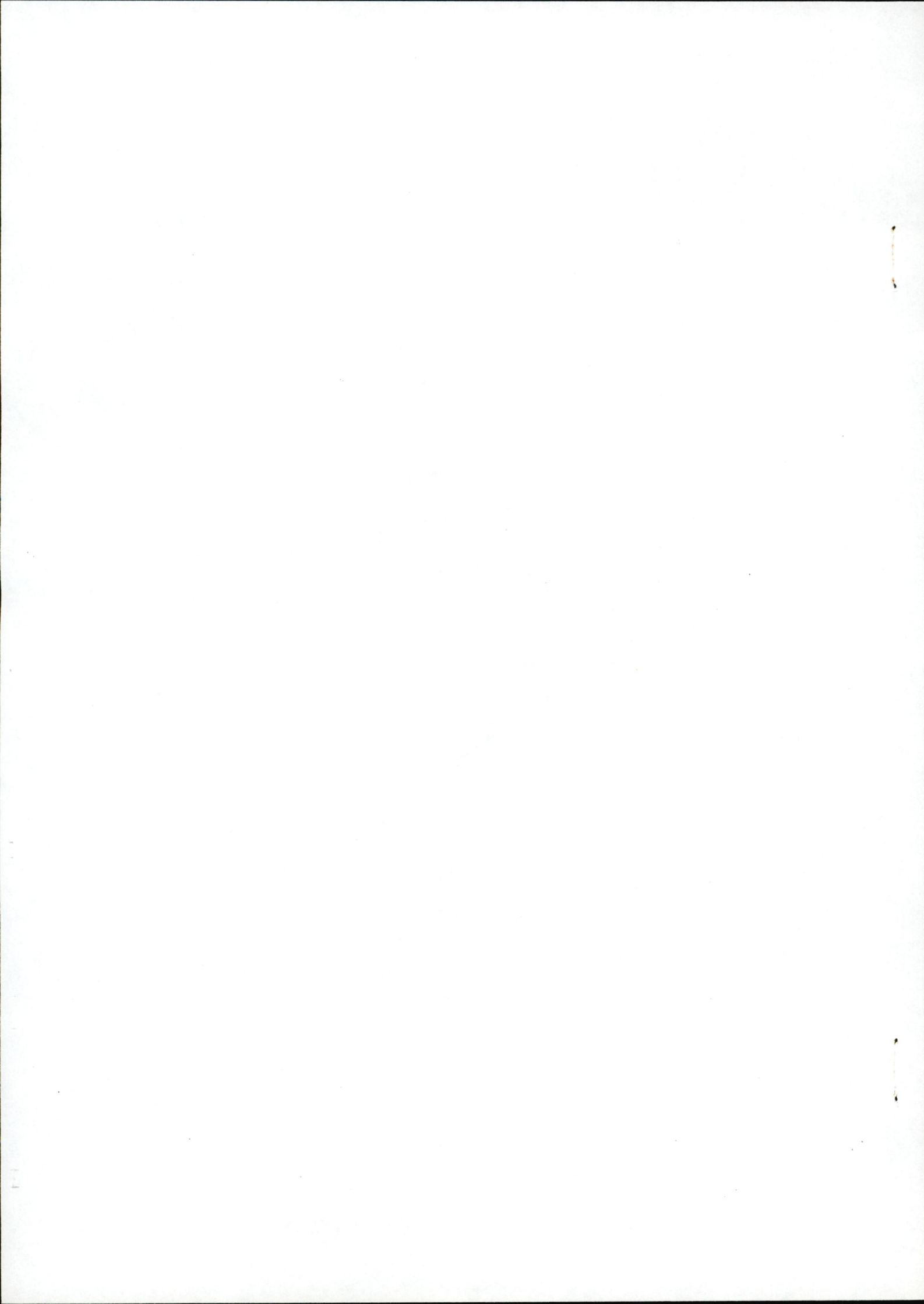
Clause 3 defines terms used in the proposed Act.

Clause 4 dedicates the land described in Schedule 1 as the Khappinghat Nature Reserve.

Clause 5 revokes all existing interests relating to the land.

Clause 6 requires former holders of interests related to mining to remove certain structures erected on the land. Such persons must also rehabilitate the land under the direction of the Director of National Parks and Wildlife at their own cost.

Schedule 1 describes the land to be dedicated as Khappinghat Nature Reserve.



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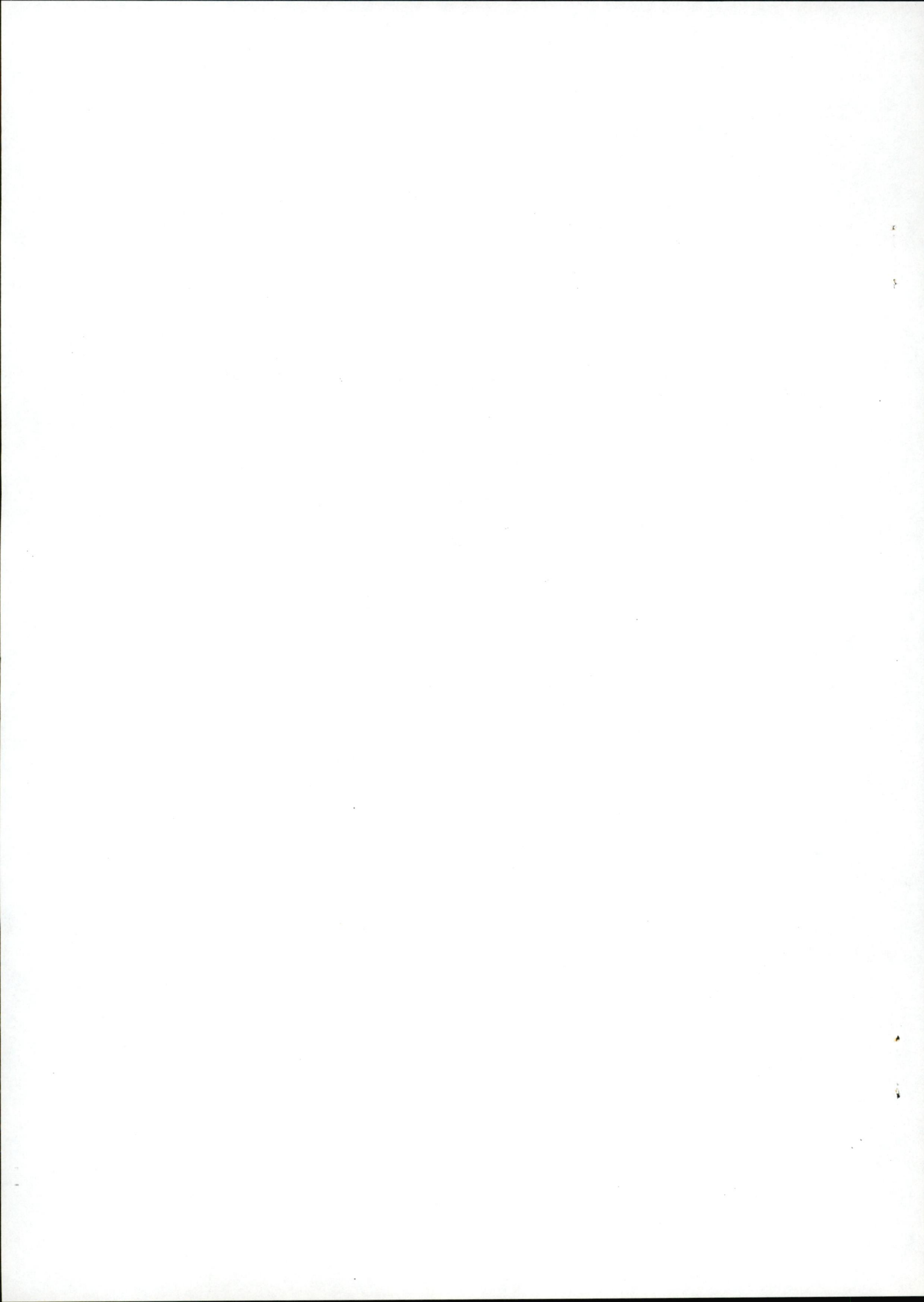
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SCHEDULE 1—KHAPPINGHAT NATURE RESERVE



KHAPPINGHAT NATURE RESERVE BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to protect certain land by dedicating it as Khappinghat Nature Reserve.

Khappinghat Nature Reserve 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Khappinghat Nature Reserve Act 1992.

5 Commencement

2. This Act commences on the date of assent.

Definitions

3. In this Act:

10 “**mining construction**” means any building, structure, machinery or other works partly or wholly erected for purposes connected with prospecting or mining for minerals;

15 “**mining interest**” means any authority, authorisation, claim, lease or licence under the Mining Act 1973, Coal Mining Act 1973 or Petroleum Act 1955 or any permit or licence under the Petroleum (Submerged Lands) Act 1982.

Dedication of land as Khappinghat Nature Reserve

4. (1) The land described in Schedule 1 is dedicated as the Khappinghat Nature Reserve.

(2) The dedication takes effect on the date of assent to this Act.

20 (3) The land is, for the purposes of the National Parks and Wildlife Act 1974, taken to have been dedicated as a nature reserve by proclamation made under section 49 (1) of that Act.

25 (4) A reference in the National Parks and Wildlife Act 1974 to the publication of a proclamation under section 49 (1) of that Act is, in relation to the dedication under this section, taken to be a reference to the enactment of this Act.

(5) Section 35 of the National Parks and Wildlife Act 1974 does not apply in relation to the dedication under this section.

Revocation of existing interests

30 5. All existing interests within the meaning of section 39 of the National Parks and Wildlife Act 1974, including all mining interests, relating to the land described in Schedule 1 are revoked on the date of assent to this Act.

Khappinghat Nature Reserve 1992

Removal of mining construction and restoration of land

6. (1) This section applies to a person who, immediately before the date of assent to this Act, was the holder of a mining interest relating to the whole or any part of the land described in Schedule 1.

(2) A person to whom this section applies who has erected a mining construction under, on or over the land described in Schedule 1 must, as soon as practicable, remove the construction from the land.

(3) A person is not required to remove structures or works necessary for the purposes of removing the mining construction or for restoring the land and rehabilitating the vegetation on the land.

(4) A person to whom this section applies is required to take steps, as directed by the Director of National Parks and Wildlife or the Director's delegate appointed for the purpose for such period as the Director or the delegate considers necessary, to restore the land and to rehabilitate any vegetation on the land that has been damaged or altered by or as a consequence of the erection of any mining construction or prospecting or mining for minerals on the land by the person.

(5) All costs, charges and expenses incurred by a person in complying with this section are to be met by the person from his or her own funds.

SCHEDULE 1—KHAPPINGHAT NATURE RESERVE

(Sec. 4)

All that piece or parcel of land situated at Saltwater in the Shire of Manning, Parishes of Beryan and Bohnock, County of Gloucester commencing at a point being the northeasternmost corner of Lot 11 in D.P. 559439 and bounded on the south by a line bearing westerly being the northern boundary of D.P. 559439 to the westernmost bank of Moor Creek, thence bounded on the west, southwest and south by the western bank of Moor Creek, the southernmost bank of Khappinghat Creek and the southern bank of Magpie Creek respectively to the upper tidal limit of Magpie Creek, thence bounded on the north by the northern bank of Magpie Creek to its junction with Khappinghat Creek, thence bounded on the southwest, south and southeast by the southernmost boundary of a reserve 30 metres wide adjacent to Khappinghat Creek, such boundary being coincidental with the northernmost boundary of Portion 79 of the

*Khappinghat Nature Reserve 1992***SCHEDULE 1—KHAPPINGHAT NATURE RESERVE—*continued***

- Parish of Beryan and Lots 52 and 51 in D.P. 604964 to Allard Creek, thence bounded on the northwest by the northwestern boundary of a reserve about 30 metres wide adjacent to Khappinghat Creek, such
- 5 boundary being coincidental with the southeastern boundaries of Portions 141 and 140 of the Parish of Bohnock to the western bank of Muddy Creek, thence bounded on the west by the western bank of Muddy Creek to its upper tidal limit, thence bounded on the east by the eastern bank of
- 10 Muddy Creek to the northernmost boundary of the reserve about 30 metres wide aforementioned, thence bounded generally on the north by the northern boundary of the reserve about 30 metres wide aforementioned, such boundary being coincidental with the southern boundary of Portion 140 aforementioned, thence bounded on the northeast, north and west by the northernmost bank of Khappinghat
- 15 Creek being coincidental with the western boundary of a closed road adjacent to Portion 11 of the Parish of Bohnock, the southwestern boundary of Portion 57 of the Parish of Bohnock and the southern and eastern boundaries of Portions 58 and 36 respectively of the Parish of Bohnock to the southern bank of Belbourie Gully, thence bounded on the
- 20 south by the southern bank of Belbourie Gully to the common boundary of Portions 57 and 58 of the Parish of Bohnock, thence bounded on the west by the western bank of Khappinghat Creek to its junction with Duckhole Gully, thence bounded generally on the north by the northern boundary of the reserve about 30 metres wide aforementioned, such
- 25 boundary being coincidental with the southern boundaries of Portions 178 and 116 of the Parish of Bohnock now known as Lots 1 and 2 in D.P. 614087 to Saltwater Gully, thence bounded on the north by the northern bank of Khappinghat Creek to the Mean High Water Mark of the South Pacific Ocean at the Saltwater Beach, thence bounded on the east by the
- 30 Mean High Water Mark aforementioned to the easterly prolongation of the northern boundary of D.P. 559439 and thence bounded on the south by the prolongation aforementioned to the point of commencement, such land including the islands situated between the banks of Khappinghat Creek known as Quirk Island and Five Islands.
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