

FIRST PRINT

MOONEE BEACH 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 north eastern New South Wales:

- (a) by dedicating land described in Schedule 1 as part of a nature reserve; and
- (b) by revoking certain easements for a pipeline to convey sewage and for access that affect that land; and
- (c) by dedicating certain other land acquired for sewerage purposes as part of the nature reserve; and
- (d) by revoking any existing interests relating to a proposed ocean outfall for the disposal of sewage that may affect the land and by prohibiting the grant of any further interests for this purpose; and
- (e) by requiring the removal of a pipeline and connected works and the restoration of certain land; and
- (f) by providing for ancillary matters.

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 dedicates the land described in Schedule 1 to the proposed Act as part of the Moonee Beach Nature Reserve.

Clause 4 revokes certain easements for a pipeline for the conveyance of sewage and for access and dedicates certain land acquired for sewerage purposes as part of the Moonee Beach Nature Reserve.

Clause 5 revokes all existing interests relating to the construction or operation of a proposed ocean outfall at Look-At-Me-Now Headland and prohibits the grant of interests for this purpose in the future.

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Clause 6 requires the Council of the City of Coffs Harbour to remove the pipeline and other works constructed for the purposes of the proposed ocean outfall from the land described in Schedule 1 and, as directed by the Director of National Parks and Wildlife, to restore the land and rehabilitate any vegetation damaged by the works at the Council's expense. The requirement to remove the pipeline and other works is consistent with the unreported decision of the Court of Appeal in *Coffs Harbour Environment Centre Incorporated v. Coffs Harbour City Council and anor* that was handed down on 19 December 1991.

Clause 7 is a formal provision giving effect to the Schedule of ancillary provisions.

Schedule 1 describes land to be dedicated as part of the Moonee Beach Nature Reserve.

Schedule 2 provides for ancillary matters.

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MOONEE BEACH NATURE RESERVE BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to protect certain lands by dedicating them as part of Moonee Beach Nature Reserve.

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The Legislature of New South Wales enacts:

Short title

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

Commencement

2. This Act commences on the date of assent.

Dedication of land as part of Moonee Beach Nature Reserve

3. (1) The land described in Schedule 1 is dedicated as part of the Moonee Beach Nature Reserve.

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

Revocation of easements for pipeline and access and vesting of certain land

4. (1) The easements for a pipeline for the conveyance of sewage and the easements for access notified and declared by the Governor on 7 February 1990 and described in the Second Schedule to a notification published in Gazette No. 29 of 23 February 1990 page 1530 (as amended by Gazette No. 39 of 16 March 1990 page 2238) and shown in Deposited Plan 800108 are hereby revoked.

(2) The lands described in the First Schedule to the notification referred to in this section:

- (a) become Crown lands to the extent to which they were not Crown lands before the date of assent to this Act; and
- (b) are dedicated as part of the Moonee Beach Nature Reserve.

Prohibition of ocean outfall

5. (1) All existing interests within the meaning of section 39 of the National Parks and Wildlife Act 1974 relating to the construction or operation of a pipeline for the purposes of a proposed ocean outfall at Look-At-Me-Now Headland and the outfall itself insofar as they relate to the lands referred to in sections 3 and 4 of this Act are revoked on the date of assent to this Act.

(2) No easements, rights of way, licences or other interests of any kind through, upon, in, under or over the lands referred to in this section are to be granted under Part 12 of the National Parks and Wildlife Act 1974 or otherwise for the purpose of enabling the disposal of sewage effluent in the ocean.

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Removal of pipeline and other works and restoration of land

6. (1) The Council of the City of Coffs Harbour must as soon as practicable remove the pipeline and all other works partly or wholly constructed for the purposes of a proposed ocean outfall at Look-At-Me-Now Headland and situated on, in or over the land described in Schedule 1 except those works that are necessary for the purpose of removing the pipeline and other works and for restoring the land and rehabilitating the vegetation.

(2) The Council 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 that has been damaged or altered by or as a consequence of the construction of the pipeline and other works or the removal of the pipeline and other works.

(3) All costs, charges and expenses incurred by the Council in complying with this section are to be met by the Council from its own funds.

Ancillary provisions

7. Schedule 2 has effect.

SCHEDULE 1—ADDITION TO MOONEE BEACH NATURE RESERVE

(Sec. 3)

All those pieces or parcels of land situated in the City of Coffs Harbour, Parish of Moonee and County of Fitzroy being, firstly, that part of Portion 237 of the Parish as is Crown land dedicated for public recreation and, secondly, Crown Reserve No. 91331 for Public Recreation and, thirdly, Lot 2 D.P. 361980 notified as an addition to Crown Reserve No. 91331 for Public Recreation and, fourthly, Portion 43 of the Parish being vacant Crown land and, fifthly, Lot 4 D.P. 245956 being vacant Crown land and, lastly, Portion 44 of the Parish being vacant Crown land.

SCHEDULE 2—ANCILLARY PROVISIONS

(Sec. 7)

Dedication

1. (1) The land dedicated as part of a nature reserve by this Act is, for the purposes of the National Parks and Wildlife Act 1974, taken to have been so dedicated by proclamation made under section 49 (2) of that Act.

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SCHEDULE 2—ANCILLARY PROVISIONS—*continued*

(2) A reference in the National Parks and Wildlife Act 1974 to the publication of a proclamation under section 49 (2) of that Act is, in relation to a dedication under section 3, taken to be a reference to the enactment of this Act.

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

Administration of existing leases etc.

2. (1) In this clause, “existing interest” means a lease, licence, permit or occupancy affecting land dedicated by this Act, and current and in force immediately before the date of assent to this Act.

(2) The administration of matters relating to existing interests, to the extent that those interests affect any such land, is (on and from the date of assent to this Act) vested in the Minister administering the National Parks and Wildlife Act 1974.

(3) For the purposes of subclause (2), the Minister administering the National Parks and Wildlife Act 1974 is to have, in respect of existing interests under the Crown Lands Act 1989, the powers of the Minister administering that Act.
