

Introduced by Mr J A Watkins, MP

First print



New South Wales

# **Lane Cove National Park (Sugarloaf Point Additions) Bill 1996**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to add the land known as Sugarloaf Point, and certain other land, to the Lane Cove National Park.

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## Outline of provisions

### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

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

**Clause 3** defines the terms *Director-General*, *Marine Ministerial Holding Corporation* and *the map* for the purposes of the proposed Act.

**Clause 4** provides that notes in the proposed Act do not form part of the proposed Act.

### **Part 2 Reservation of additional land as part of Lane Cove National Park**

**Clause 5** reserves the land shown on the map (as defined) by heavy black edging (whether with or without hatching) as additions to Lane Cove National Park. However, the land so identified is excluded from the reservation if it does not fall within the definition of *prescribed lands* in section 33 of the *National Parks and Wildlife Act 1974*, or is a public road.

**Clause 6** requires a formal description of the land concerned (some of which is currently part of Sydney Harbour) to be prepared within 6 months after the commencement of the proposed Act (or within such other period as the Minister may allow).

**Clause 7** requires the publication in the Gazette of the formal description of the land referred to in proposed section 6 (certified by a registered surveyor) and provides that, on that publication, the description is taken to replace the map.

**Clause 8** provides for the date on which a reservation of land under the proposed Act takes effect. It also provides that, if the published description of the land differs from the land shown on the map by heavy black edging, any land excluded from the description is taken never to have been reserved under the proposed Act, and any additional land is taken always to have been so reserved.

### **Part 3 Ancillary provisions**

**Clause 9** specifies that so much of the land reserved by the proposed Act as adjoins tidal waters is reserved to the mean low water mark.

Lane Cove National Park (Sugarloaf Point Additions) Bill 1996

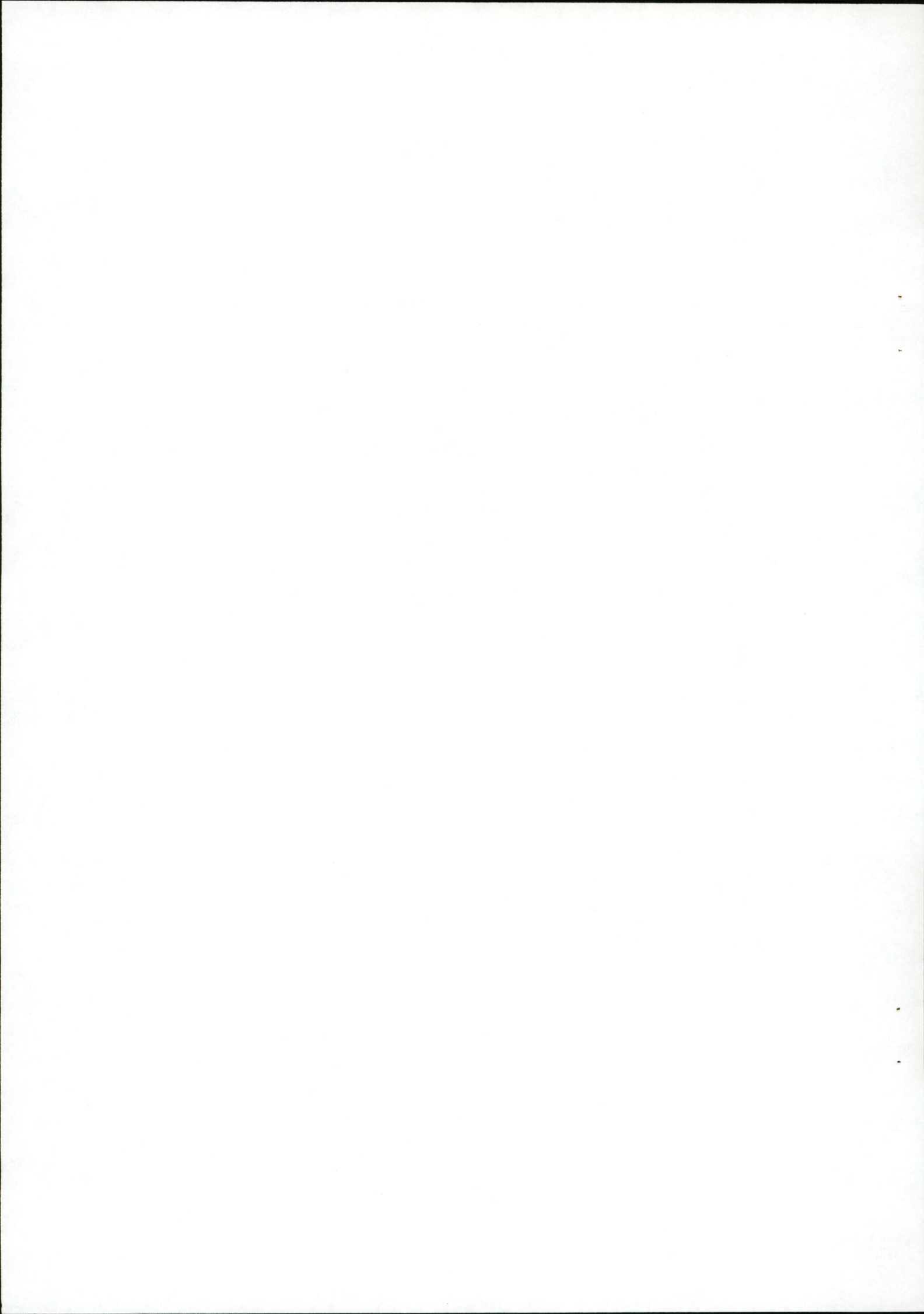
Explanatory note

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**Clause 10** makes it clear that the land reserved by the proposed Act is taken to have been reserved by a proclamation under section 33 (3) of the *National Parks and Wildlife Act 1974*.

**Clause 11** extends section 46 of the *National Parks and Wildlife Act 1974* (which provides for the transfer of the rights, liabilities and property of persons who cease to hold office as trustees of land reserved by a proclamation under section 33 of that Act) to the Marine Ministerial Holding Corporation constituted under the *Ports Corporatisation and Waterways Management Act 1995* in relation to such of the land reserved by the proposed Act as was, immediately before that reservation, vested in that Corporation.

**Clause 12** makes it clear that no compensation is payable in respect of the land reserved by the proposed Act.





New South Wales

## Lane Cove National Park (Sugarloaf Point Additions) Bill 1996

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New South Wales

## **Lane Cove National Park (Sugarloaf Point Additions) Bill 1996**

No. , 1996

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### **A Bill for**

An Act to reserve, as part of the Lane Cove National Park, the land known as Sugarloaf Point and certain other land.

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Clause 1 Lane Cove National Park (Sugarloaf Point Additions) Bill 1996

Part 1 Preliminary

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Lane Cove National Park (Sugarloaf Point Additions) Act 1996*.

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### **2 Commencement**

This Act commences on the date of assent.

### **3 Definitions**

In this Act:

***Director-General*** means the Director-General of National Parks and Wildlife. 10

***Marine Ministerial Holding Corporation*** means the Marine Ministerial Holding Corporation constituted under the *Ports Corporatisation and Waterways Management Act 1995*.

***the map*** means the map marked "Lane Cove National Park (Sugarloaf Point Additions) 1996" and presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for this Act) when the Bill was read a second time in the Assembly. 15

### **4 Notes**

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Notes in this Act do not form part of the Act.



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## Part 2      Reservation of additional land as part of Lane Cove National Park

### 5      Reservation of land as national park

- (1)      The land shown on the map by heavy black edging (whether with or without hatching) is reserved as part of the Lane Cove National Park.      5
- (2)      This section does not apply to so much of the land concerned as is not prescribed lands (within the meaning of section 33 of the *National Parks and Wildlife Act 1974*) or is a public road.

**Note.**      In section 33 of the *National Parks and Wildlife Act 1974* **prescribed lands** means:      10

- (a)      Crown lands within the meaning of the *Crown Lands Consolidation Act 1913*, or
- (b)      those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the *Crown Lands Consolidation Act 1913*, or      15
- (c)      lands vested in a Minister of the Crown or in a public authority, or
- (d)      lands acquired under section 145, 146 or 148 of the *National Parks and Wildlife Act 1974*.      20

### 6      Preparation of formal description of land reserved

- (1)      Within 6 months after the commencement of this Act (or such other period as the Minister may allow), the Director-General is to cause to be prepared, as accurately as is reasonably possible, a metes and bounds or other appropriate description of all of the land shown on the map by heavy black edging.      25
- (2)      A description of land under this section may include a description of any easement or restriction to which the land is subject.

**7 Publication in the Gazette of formal description of land reserved**

- (1) Within the period referred to in section 6, the Minister is to cause to be published in the Gazette a notification containing the description referred to in that section together with a certificate of a registered surveyor to the effect that the land in the description substantially accords with the land shown on the map by heavy black edging. 5
- (2) On publication of the notification, the description in the notification is taken to replace the map. 10

**8 Date reservation takes effect**

- (1) A reservation of land under this Act takes effect:
- (a) in the case of the land shown on the map by heavy black edging and hatching—on the commencement of this Act, and 15
- (b) in the case of the land shown on the map by heavy black edging without hatching—on the date of publication in the Gazette under section 7 of a notification describing the land shown on the map by heavy black edging.
- (2) If any of the land shown on the map by heavy black edging and hatching is not included in the notification describing the land published in the Gazette under section 7, the land that is not so included is taken never to have been reserved under this Act. 20
- (3) If the description in that notification includes any land not shown on the map by heavy black edging and hatching (other than the land shown by heavy black edging without hatching), the land concerned is taken to have been reserved under this Act on the commencement of this Act. 25

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## Part 3 Ancillary provisions

### 9 Land reserved to mean low water mark

So much of the land reserved under this Act as adjoins tidal waters is reserved to the mean low water mark.

### 10 Land taken to be reserved under National Parks and Wildlife Act 1974 5

- (1) Land reserved as part of the Lane Cove National Park under this Act is, for the purposes of the *National Parks and Wildlife Act 1974*, taken to have been so reserved by a proclamation made under section 33 (3) of that Act. 10
- (2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a proclamation under section 33 (3) of that Act is, in relation to a reservation of land under this Act, 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 reservation of land under this Act. 15
- (4) This Act has effect despite section 34 (2) of the *National Parks and Wildlife Act 1974*.

### 11 Transfer of certain rights, liabilities and property

Section 46 of the *National Parks and Wildlife Act 1974* applies in relation to so much of the land reserved under this Act as was, immediately before that reservation, vested in the Marine Ministerial Holding Corporation, as if a reference in section 46 to persons ceasing to hold office as trustees of lands reserved as part of a national park included a reference to that Corporation. 20  
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Clause 12 Lane Cove National Park (Sugarloaf Point Additions) Bill 1996

Part 3 Ancillary provisions

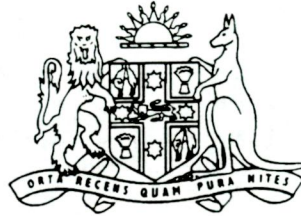
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**12 No compensation payable in respect of reserved land**

No compensation or other consideration of any kind is payable, directly or indirectly, by the Minister or by any other person, to the Marine Ministerial Holding Corporation, or to any other person, for land reserved under this Act.

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New South Wales

# Lane Cove National Park (Sugarloaf Point Additions) Act 1996 No 71

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New South Wales

## **Lane Cove National Park (Sugarloaf Point Additions) Act 1996 No 71**

Act No 71, 1996

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An Act to reserve, as part of the Lane Cove National Park, the land known as Sugarloaf Point and certain other land. [Assented to 27 September 1996]

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The Legislature of New South Wales enacts:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Lane Cove National Park (Sugarloaf Point Additions) Act 1996*.

### 2 Commencement

This Act commences on the date of assent.

### 3 Definitions

In this Act:

***Director-General*** means the Director-General of National Parks and Wildlife.

***Marine Ministerial Holding Corporation*** means the Marine Ministerial Holding Corporation constituted under the *Ports Corporatisation and Waterways Management Act 1995*.

***the map*** means the map marked "Lane Cove National Park (Sugarloaf Point Additions) 1996" and presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for this Act) when the Bill was read a second time in the Assembly.

### 4 Notes

Notes in this Act do not form part of the Act.

## **Part 2      Reservation of additional land as part of Lane Cove National Park**

### **5      Reservation of land as national park**

- (1)      The land shown on the map by heavy black edging (whether with or without hatching) is reserved as part of the Lane Cove National Park.
- (2)      This section does not apply to so much of the land concerned as is not prescribed lands (within the meaning of section 33 of the *National Parks and Wildlife Act 1974*) or is a public road.

**Note.** In section 33 of the *National Parks and Wildlife Act 1974* **prescribed lands** means:

- (a)      Crown lands within the meaning of the *Crown Lands Consolidation Act 1913*, or
- (b)      those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the *Crown Lands Consolidation Act 1913*, or
- (c)      lands vested in a Minister of the Crown or in a public authority, or
- (d)      lands acquired under section 145, 146 or 148 of the *National Parks and Wildlife Act 1974*.

### **6      Preparation of formal description of land reserved**

- (1)      Within 6 months after the commencement of this Act (or such other period as the Minister may allow), the Director-General is to cause to be prepared, as accurately as is reasonably possible, a metes and bounds or other appropriate description of all of the land shown on the map by heavy black edging.
- (2)      A description of land under this section may include a description of any easement or restriction to which the land is subject.

**7 Publication in the Gazette of formal description of land reserved**

- (1) Within the period referred to in section 6, the Minister is to cause to be published in the Gazette a notification containing the description referred to in that section together with a certificate of a registered surveyor to the effect that the land in the description substantially accords with the land shown on the map by heavy black edging.
- (2) On publication of the notification, the description in the notification is taken to replace the map.

**8 Date reservation takes effect**

- (1) A reservation of land under this Act takes effect:
  - (a) in the case of the land shown on the map by heavy black edging and hatching—on the commencement of this Act, and
  - (b) in the case of the land shown on the map by heavy black edging without hatching—on the date of publication in the Gazette under section 7 of a notification describing the land shown on the map by heavy black edging.
- (2) If any of the land shown on the map by heavy black edging and hatching is not included in the notification describing the land published in the Gazette under section 7, the land that is not so included is taken never to have been reserved under this Act.
- (3) If the description in that notification includes any land not shown on the map by heavy black edging and hatching (other than the land shown by heavy black edging without hatching), the land concerned is taken to have been reserved under this Act on the commencement of this Act.



## Part 3 Ancillary provisions

### 9 Land reserved to mean low water mark

So much of the land reserved under this Act as adjoins tidal waters is reserved to the mean low water mark.

### 10 Land taken to be reserved under National Parks and Wildlife Act 1974

- (1) Land reserved as part of the Lane Cove National Park under this Act is, for the purposes of the *National Parks and Wildlife Act 1974*, taken to have been so reserved by a proclamation made under section 33 (3) of that Act.
- (2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a proclamation under section 33 (3) of that Act is, in relation to a reservation of land under this Act, 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 reservation of land under this Act.
- (4) This Act has effect despite section 34 (2) of the *National Parks and Wildlife Act 1974*.

### 11 Transfer of certain rights, liabilities and property

Section 46 of the *National Parks and Wildlife Act 1974* applies in relation to so much of the land reserved under this Act as was, immediately before that reservation, vested in the Marine Ministerial Holding Corporation, as if a reference in section 46 to persons ceasing to hold office as trustees of lands reserved as part of a national park included a reference to that Corporation.

## **12 No compensation payable in respect of reserved land**

No compensation or other consideration of any kind is payable, directly or indirectly, by the Minister or by any other person, to the Marine Ministerial Holding Corporation, or to any other person, for land reserved under this Act.

[Member's second reading speech made in—  
Legislative Assembly on 27 June 1996

[Minister's second reading speech made in—  
Legislative Council on 24 September 1996]

BY AUTHORITY