

# Forestry Revocation and National Parks Reservation Act 1983

As at 1 July 2018

## Long Title

An Act to revoke certain dedications of State forests and parts of State forests (including part of a national forest) and certain flora reserves and to reserve the lands the subject of those revocations as national parks or parts of national parks.

## 1 Name of Act

This Act may be cited as the *Forestry Revocation and National Parks Reservation Act 1983*.

## 2 Revocation of certain State forests, including part of the Nightcap National Forest

The dedications as State forests or parts of State forests of the lands described in Schedule 1, including part of the Nightcap National Forest, are revoked.

## 3 Revocation of certain other State forests

The dedications as State forests or parts of State forests of the lands described in Schedule 2 are revoked.

## 4 Revocation of flora reserves

The notices described in Schedule 3 are revoked.

## 5 Reservation of lands as national parks or as parts of national parks

- (1) The lands described in Schedule 1 are reserved as a national park to be known as the "Nightcap National Park".
- (2) The lands described in Part 1 of Schedule 2 are reserved as a national park to be known as the "Washpool National Park".
- (3) The lands described in Part 2 of Schedule 2 are reserved as part of the Border Ranges National Park.
- (4) The land described in Part 3 of Schedule 2 is reserved as part of the New England National Park.

## 6 Ancillary provisions

Schedule 4 has effect.

## Schedule 1

(Sections 2, 5 (1))

### Nightcap National Park

Goonimbar State Forest All that piece or parcel of land containing about 3 197 hectares situate in the Shire of Tweed and the City of Lismore, Parishes of Gooninbar, Terania and Whian Whian, County of Rous, being the balance of Goonimbar State Forest No 344, dedicated by proclamation published in the Gazette of 23 February 1917 (being also part of Nightcap National Forest No 2, notified in the Gazette of 23 October 1936) and Extensions Nos 1 and 2 thereto, dedicated by proclamations published in the Gazettes of 4 July 1952 and 8 May 1970, respectively.

Part Whian Whian State Forest All that piece or parcel of land containing about 1 080 hectares situate in the Shires of Byron and Tweed and the City of Lismore, Parishes of Gooninbar and Whian Whian, County of Rous, being part of Whian Whian State Forest No 173, dedicated by proclamation in the Gazette of 28 October 1914, part of Whian Whian State Forest No 173, East Extension, dedicated by proclamation published in the Gazette of 16 February 1917 (being also parts of Nightcap National Forest No 2, notified in the Gazette of 23 October 1936) and Whian Whian State Forest No 173, No 9 Extension, dedicated by proclamation published in the Gazette of 21 May 1976, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc F 308 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

## **Schedule 2**

(Sections 3, 5 (2)-(4))

### **Part 1 – Washpool National Park**

#### **Dandahra Creek State Forest**

All that piece or parcel of land containing about 1 245 hectares situate in the Shire of Severn, Parish of Richmond, County of Drake, being the balance of Dandahra Creek State Forest No 353, No 3 Extension, dedicated by proclamation published in the Gazette of 13 December 1968.

#### **Part Moogem State Forest**

All that piece or parcel of land containing about 6 000 hectares situate in the Shires of Severn and Tenterfield, Parishes of Bajimba and Moogem, County of Clive, being the part of Moogem State Forest No 614, dedicated by proclamation published in the Gazette of 21 December 1917, within the Parishes of Bajimba and Moogem and Extensions Nos 6, 7 and 8 thereto, dedicated by proclamations published in the Gazettes of 18 April 1969, 21 May 1976, and 13 August 1976, respectively.

#### **Part Washpool State Forest**

All that piece or parcel of land containing about 16 200 hectares situate in the Shires of Copmanhurst and Severn, Parishes of Albert, Plevna and Richmond, County of Drake, being part of Washpool State Forest No 355, dedicated by proclamation published in the Gazette of 2 March 1917, part of No 1 Extension thereto, No 2 Extension thereto and part of No 3 Extension thereto, dedicated by proclamations published in the Gazettes of 19 October 1923, and 6 September 1968, respectively, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc F 309 in the Forestry Commission of New South Wales.

### **Part 2 – Addition to Border Ranges National Park**

#### **Part Mount Lindesay State Forest**

All that piece or parcel of land containing about 250 hectares situate in the Shire of Kyogle, Parish of Unumgar, County of Rous, being the part of Mount Lindesay State Forest No 542, dedicated by proclamation published in the Gazette of 10 August 1917, shown by hatching on the diagram catalogued Misc F 307 in the Forestry Commission of New South Wales.

#### **Roseberry State Forest**

All that piece or parcel of land containing about 15 422 hectares situate in the Shire of Kyogle, Parishes of Cougal, Findon, Loadstone and Unumgar, County of Rous, being the balance of Roseberry State Forest No 608, dedicated by proclamation published in the Gazette of 16

November 1917, and Extensions Nos 1, 2 and 3 thereto, dedicated by proclamations published in the Gazettes of 23 November 1973, 30 April 1982, and 21 January 1983, respectively.

### **Wiangaree State Forest**

All that piece or parcel of land containing about 14 457 hectares situate in the Shire of Kyogle, Parishes of Cougal, Warrazambil and Worendo, County of Rous, being the balance of Wiangaree State Forest No 358, dedicated by proclamation published in the Gazette of 2 March 1917.

## **Part 3 – Addition to New England National Park**

### **Part Bellinger River State Forest**

All that piece or parcel of land containing about 6 200 hectares situate in the Shire of Bellingen, Parishes of Dingle and Vautin, County of Raleigh, being part of Bellinger River State Forest No 651, dedicated by proclamation published in the Gazette of 9 August 1918, the balance of No 1 Extension thereto, and Extensions Nos 2 and 3 thereto, dedicated by proclamations published in the Gazettes of 14 August 1931, 26 June 1936, and 26 February 1943, respectively, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc F 310 in the Forestry Commission of New South Wales.

## **Schedule 3**

(Section 4)

### **Mount Lindesay Flora Reserve**

Notice under section 25A of the *Forestry Act 1916*, published in the Gazette of 16 March 1951, setting apart as a flora reserve (now Flora Reserve No 79950) an area of about 117 hectares in the Parish of Unungar, County of Rous, being part of Mount Lindesay State Forest No 542, dedicated 10 August 1917.

### **Sheepstation Creek Flora Reserve**

Notice under section 25A of the *Forestry Act, 1916*, published in the Gazette of 1 April 1966, setting apart as Flora Reserve No 79945 an area of about 162 hectares in the Parish of Worendo, County of Rous, being part of Wiangaree State Forest No 358, dedicated 2 March 1917.

### **Gradys Creek Flora Reserve**

Notice under section 25A of the *Forestry Act, 1916*, published in the Gazette of 21 December 1973, setting apart as Flora Reserve No 79983 an area of about 1 500 hectares in the Parish of Worendo, County of Rous, being part of Wiangaree State Forest No 358, dedicated 2 March 1917.

### **Levers Plateau Flora Reserve**

Notice under section 25A of the *Forestry Act 1916*, published in the Gazette of 13 June 1975, setting apart as Flora Reserve No 79987 an area of about 55 hectares in the Parish of Findon, County of Rous, being part of Roseberry State Forest No 608, dedicated 16 November 1917.

### **Nightcap Track Flora Reserve**

Notice under section 25A of the *Forestry Act 1916*, published in the Gazette of 19 December 1975, setting apart as Flora Reserve No 79990 an area of about 225 hectares in the Parish of Whian Whian, County of Rous, being the parts of Whian Whian State Forest No 173, East Extension, dedicated 16 February 1917, and Whian Whian State Forest No 173, dedicated 28 October 1914, being also part of Nightcap National Forest No 2 notified in the Gazette of 23

October 1936.

Notice under section 25A of the *Forestry Act 1916*, published in the Gazette of 4 March 1977, setting apart as Flora Reserve No 79990, No 1 Extension, an area of about 150 hectares in the Parishes of Gooninbar and Whian Whian, County of Rous, being the whole of Whian Whian State Forest No 173, No 9 Extension, dedicated 21 May 1976.

## **Schedule 4 Ancillary provisions**

(Section 6)

### **1 Revocation of State forests**

Section 3 has effect notwithstanding the provisions of the *Forestry Act 1916*.

### **2 Reservation of lands as national parks**

(1) The lands reserved as national parks by section 5 (1) and (2) shall, for the purposes of the *National Parks and Wildlife Act 1974* (other than section 35 of that Act), be deemed to have been so reserved by proclamation made under section 33 (2) of that Act.

(2) The land reserved as parts of national parks by section 5 (3) and (4) shall, for the purposes of the *National Parks and Wildlife Act 1974*, (other than section 35 of that Act), be deemed to have been so reserved by proclamation made under section 33 (3) of that Act.

(3) A reference in the *National Parks and Wildlife Act 1974* (other than in section 35 of that Act), to the publication of a proclamation under section 33 (2) or (3) of that Act shall, in relation to a reservation referred to in section 5, be deemed to be a reference to the enactment of this Act.

### **3 Names of national parks**

A name assigned to a national park by section 5 (1) or (2) shall be deemed to have been assigned to that park by a proclamation referred to in section 36 (a) of the *National Parks and Wildlife Act 1974*.

### **4 Existing leases under the Forestry Act 1916**

Section 42 (2) of the *National Parks and Wildlife Act 1974*, applies 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 2, and
- (b) current and in force immediately before the commencement of this Act,

in the same way as it applies to a licence or permit under the *Forestry Act 1916*, affecting lands within a national park.

### **5 Administration of existing leases etc**

(1) In this clause, "**existing interest**" means a lease, licence, permit or occupancy current and in force immediately before the commencement of this Act.

(2) The administration of matters relating to existing interests, to the extent that those interests affect any of the lands described in Schedules 1 and 2, is 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*, shall have:

- (a) in respect of existing interests under the *Forestry Act 1916* --the powers of the Minister administering that Act, and
- (b) in respect of existing interests under the *Crown Land Management Act 2016*

--the powers of the Minister administering that Act.

## 6 Saving

A revocation effected by this Act does not affect anything done or omitted to be done before the commencement of this Act.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cl	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Forestry Revocation and National Parks Reservation Act 1983 No 37*. Assented to 22.4.1983. This Act has been amended as follows:

2017	No 17	<i>Crown Land Legislation Amendment Act 2017</i> . Assented to 17.5.2017. Date of commencement of Sch 4, 1.7.2018, sec 2 (1) and 2018 (225) LW 1.6.2018.
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Table of amendments

Sch 4	Am 2017 No 17, Sch 4.36.
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