

Forestry Revocation and National Parks Reservation Act 1984

As at 1 July 2018

Long Title

An Act to revoke certain dedications of parts of State forests and part of a timber reserve and to reserve or dedicate the lands the subject of those revocations, and certain other Crown lands, as parts of national parks, a nature reserve and part of a nature reserve.

1 Name of Act

This Act may be cited as the *Forestry Revocation and National Parks Reservation Act 1984*.

2 Revocation of parts of certain State forests

The dedications as parts of State forests of the lands described in Schedule 1 are revoked.

3 Revocation of part of a timber reserve

The reservation as part of a timber reserve of the land described in Schedule 2 is revoked.

4 Reservation of lands as parts of national parks

(1) The lands described in Part 1 of Schedule 1 are reserved as part of the Washpool National Park.

(2) The lands described in Part 2 of Schedule 1 are reserved as part of the Dorrigo National Park.

(3) The lands described in Part 3 of Schedule 1 and in Schedule 2 are reserved as parts of the Werrikimbe National Park.

(4) The lands described in Part 4 of Schedule 1 and in Schedule 3 are reserved as parts of the Barrington Tops National Park.

5 Dedication of lands as a nature reserve or as part of a nature reserve

(1) The lands described in Part 5 of Schedule 1 are dedicated as a nature reserve to be known as "Mount Hyland Nature Reserve".

(2) The lands described in Part 6 of Schedule 1 and in Schedule 4 are dedicated as parts of the Mount Seaview Nature Reserve.

6 Ancillary provisions

Schedule 5 has effect.

Schedule 1

(Sections 2, 4, 5)

Part 1 – Addition to Washpool National Park

Part Washpool State Forest

All that piece or parcel of land containing about 3 860 hectares situate in the Shires of Copmanhurst and Severn, Parishes of Albert and Plevna, County of Drake, being part of Washpool State Forest No 355, dedicated by proclamation published in the Gazette of 2nd March, 1917, part of No 1 Extension thereto and part of No 3 Extension thereto, dedicated by proclamations in the Gazettes of 19th October, 1923, and 6th September, 1968, respectively, and

being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F196 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Billilimbra State Forest

All that piece or parcel of land containing about 410 hectares situate in the Shire of Tenterfield, Parish of Sistova, County of Drake, being part of Billilimbra State Forest No 815, dedicated by proclamation published in the Gazette of 9th September, 1927, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F196 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part 2 – Addition to Dorrigo National Park

Part Killungoondie State Forest

All that piece or parcel of land containing about 1 150 hectares situate in the Shire of Bellingen, Parish of Stewart, County of Fitzroy, being part of Killungoondie State Forest No 849, dedicated by proclamation published in the Gazette of 21st December, 1934, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F197 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Never Never State Forest

All that piece or parcel of land containing about 2 750 hectares situate in the Shire of Bellingen, Parishes of Never Never and Timboon, County of Raleigh, being part of Never Never State Forest No 613, dedicated by proclamation published in the Gazette of 7th December, 1917, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F197 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Brooklana State Forest

All that piece or parcel of land containing about 10 hectares situate in the Shire of Coffs Harbour, Parish of Stewart, County of Fitzroy, being part of Brooklana State Forest No 850, dedicated by proclamation published in the Gazette of 21st December, 1934, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F197 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part 3 – Addition to Werrikimbe National Park

Part Mount Boss State Forest

All that piece or parcel of land containing about 12 700 hectares situate in the Municipality of Hastings and Shire of Walcha, Parishes of Morton, Forbes, Vernon and Moorabark, County of Macquarie, being part of Mount Boss State Forest No 910, dedicated by proclamation published in the Gazette of 11th November, 1949, and No 9 Extension thereto, dedicated by proclamation published in the Gazette of 13th September, 1968, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F198 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part 4 – Addition to Barrington Tops National Park

Part Chichester State Forest

All that piece or parcel of land containing about 7 450 hectares situate in the Shire of Dungog, Parishes of Allyn and Boonabilla, County of Durham, being part of Chichester State Forest No 292, No 4 Extension, dedicated by proclamation published in the Gazette of 21st October, 1960, and being the land so dedicated within the areas delineated by hatched edging and cross-hatched edging on the diagram catalogued Misc F199 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Mount Royal State Forest

All that piece or parcel of land containing about 1 250 hectares situate in the Shires of Singleton and Scone, Parishes of Rosamond, Oldcastle and Mount Royal, County of Durham, being part of Mount Royal State Forest No 297, dedicated by proclamation published in the Gazette of 19th January, 1917, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F199 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part 5 – Mount Hyland Nature Reserve

Part Marengo State Forest

All that piece or parcel of land containing about 1 580 hectares situate in the Shire of Nymboida, Parishes of Stanley and Grafton, County of Gresham, Parish of Blicks, County of Fitzroy, and Parish of Never Never, County of Clarke, being part of Extensions Nos 1, 2 and 3 of Marengo State Forest No 318, dedicated by proclamations published in the Gazettes of 5th December, 1930, 17th June, 1938, and 24th December, 1971, respectively, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Hyland State Forest

All that piece or parcel of land containing about 45 hectares situate in the Shire of Nymboida, Parish of Blicks, County of Fitzroy, being part of Hyland State Forest No 659, No 1 Extension, dedicated by proclamation published in the Gazette of 9th January, 1942, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Ellis State Forest

All that piece or parcel of land containing about 9 hectares situate in the Shire of Nymboida, Parish of Stanley, County of Gresham, being part of Ellis State Forest No 831, dedicated by proclamation published in the Gazette of 5th December, 1930, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part 6 – Addition to Mount Seaview Nature Reserve

Part Doyles River State Forest

All that piece or parcel of land containing about 1 050 hectares situate in the Municipality of Hastings, Parish of Naylor, County of Hawes, being part of Doyles River State Forest No 911, dedicated by proclamation published in the Gazette of 11th November, 1949, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc F201 in the Forestry

Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Mount Seaview State Forest

All that piece or parcel of land containing about 330 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being part of Mount Seaview State Forest No 877, dedicated by proclamation published in the Gazette of 20th November, 1942, and being the land so dedicated within the area delineated by hatching on the diagram catalogued Misc F201 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Schedule 2 Addition to Werrikimbe National Park

(Sections 3, 4)

Part Timber Reserve No 55340

All that piece or parcel of land containing about 7 800 hectares situate in the Shire of Walcha, Parish of Loch, County of Vernon, being part of Timber Reserve No 55340, notified in the Gazette of 22nd June, 1923, and being the land so notified within the area delineated by hatched edging on the diagram catalogued Misc F202 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Schedule 3 Addition to Barrington Tops National Park

(Section 4)

Part Catchment Area (Hunter District)

All that piece or parcel of land containing about 14 082 hectares situate in the Shire of Dungog, Parishes of Irralong, Alfred, Underbank and Wangat, County of Gloucester, being part of the catchment area proclaimed by publication in the Gazette of 5th December, 1924, and being the land so proclaimed delineated by hatched edging on the diagram catalogued Ms 284 Te, in the Crown Lands Office, Sydney.

Schedule 4 Addition to Mount Seaview Nature Reserve

(Section 5)

Part Crown Lease 1929-5, Port Macquarie

All that piece or parcel of land containing about 29 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being that part of portion 40 lying northerly of the middle thread of a tributary of the Tobin's River which extends from a point near the north-western corner of portion 40 to a point on the eastern boundary of that portion about 450 metres south from its north-eastern corner.

Vacant Crown Land

All that piece or parcel of land containing about 20.5 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being portion 49 and Reserve 20709 for trigonometrical purposes notified on 5th May, 1894.

Schedule 5 Ancillary provisions

(Section 6)

1 Revocations of State forests

Sections 2 and 3 have effect notwithstanding the provisions of the *Forestry Act 1916*.

2 Reservation of lands as parts of national parks

(1) The lands reserved as parts of national parks by section 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.

(2) 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 (3) of that Act shall, in relation to a reservation referred to in section 4, be deemed to be a reference to the enactment of this Act.

3 Dedication of lands as nature reserve

(1) The lands dedicated as a nature reserve by section 5 (1) shall, for the purposes of the *National Parks and Wildlife Act 1974* (other than section 35 of that Act as applied to nature reserves by section 58 (b) of that Act), be deemed to have been so dedicated by proclamation made under section 49 (1) of that Act.

(2) The lands dedicated as parts of a nature reserve by section 5 (2) shall, for the purposes of the *National Parks and Wildlife Act 1974* (other than section 35 of that Act as applied to nature reserves by section 58 (b) of that Act), be deemed to have been so dedicated by proclamation made under section 49 (2) of that Act.

(3) A reference in the *National Parks and Wildlife Act 1974* (other than in section 35 of that Act), being a reference to, or a reference to be construed as a reference to, the publication of a proclamation under section 49 (1) or (2) of that Act shall, in relation to a dedication referred to in section 5, be deemed to be a reference to the enactment of this Act.

4 Name of nature reserve

The name assigned to a nature reserve by section 5 (1) shall be deemed to have been assigned to that reserve by a proclamation referred to in section 51 (a) of the *National Parks and Wildlife Act 1974*.

5 Existing leases under the Forestry Act 1916

(1) 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 Parts 1-4 of Schedule 1, 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.

(2) Section 55 (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 Parts 5 and 6 of Schedule 1, 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 nature reserve.

6 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 1-4, 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.

7 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
ClI	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 1984 No 85*. Assented to 27.6.1984. 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 5	Am 2017 No 17, Sch 4.37.
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