

National Parks and Wildlife (Adjustment of Areas) Act 2001

As at 10 August 2001

Long Title

An Act to revoke the reservation or dedication under the *National Parks and Wildlife Act 1974* of certain areas of land as parts of national parks or nature reserves; and for related purposes.

1 Name of Act

This Act is the *National Parks and Wildlife (Adjustment of Areas) Act 2001* .

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Revocation of reservation of certain land as national park

The reservation under the *National Parks and Wildlife Act 1974* of land described in Schedule 1 as part of the national park referred to in that Schedule in relation to that land is revoked.

4 Revocation of dedication of certain land as nature reserve

The dedication under the *National Parks and Wildlife Act 1974* of land described in Schedule 2 as part of the nature reserve referred to in that Schedule in relation to that land is revoked.

5 Land to vest in Minister

(1) On the revocation under this Act of the reservation or dedication of land as national park or nature reserve, the land whose reservation or dedication is so revoked (**the excised land**) vests in the Minister administering the *National Parks and Wildlife Act 1974* (**the Minister**) for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, and rights of way or other easements.

(2) The Minister may sell, grant leases of, dispose of or otherwise deal with the excised land.

(3) Proceeds of any dealing by the Minister with the excised land are to be paid into the National Parks and Wildlife Fund established under that Act.

(4) This section is identified for the purposes of section 150 of the *National Parks and Wildlife Act 1974* .

(5) This subsection applies to any excised land that is part of Myall Lakes National Park, Brunswick Heads Nature Reserve or Karuah Nature Reserve. The Minister is not to transfer under this section any such excised land, or an interest in any such excised land, for the purposes of upgrading the Pacific Highway unless the Minister first enters into an agreement with the Minister for Roads for the transfer of other land into the national park estate as compensation for the excision of that land (being other land that the first mentioned Minister is satisfied is of equal or greater conservation value in terms of natural and cultural heritage).

(6) This subsection applies to any excised land that is part of Barren Grounds Nature Reserve. The Minister is not to transfer under this section any such excised land, or an interest in any such excised land, to or for the benefit of an owner of adjoining land unless the Minister first enters into an agreement with that owner for the transfer of other land into the national park estate as compensation for the excision of that land (being other land the Minister is satisfied is of equal or greater conservation value in terms of

natural and cultural heritage).

(7) This subsection applies to any excised land:

(a) that is part of Blue Mountains National Park, Brisbane Water National Park, Georges River National Park or Mount Warning National Park, or

(b) that is part of Kororo Nature Reserve, Munghorn Gap Nature Reserve, Wamberal Lagoon Nature Reserve or Wee Jasper Nature Reserve. The Minister is not to transfer under this section any such excised land, or an interest in any such excised land, unless other land is first transferred into the national park estate as compensation for the excision of that land (being other land the Minister is satisfied is of equal or greater conservation value in terms of natural and cultural heritage).

(8) For the purposes of this section, the national park estate comprises land reserved or dedicated under the *National Parks and Wildlife Act 1974* or land acquired by the Minister under Part 11 of that Act for the purposes of its reservation or dedication under that Act.

6 Saving of native title rights and interests

(1) This section applies to land vested in the Minister by operation of section 5.

(2) This Act does not operate to extinguish any native title rights and interests existing in relation to the land immediately before its vesting by section 5.

(3) This section does not affect any extinguishment of native title rights and interests by the operation of the *Native Title Act 1993* of the Commonwealth or the *Native Title (New South Wales) Act 1994*.

(4) Words and expressions used in the *Native Title Act 1993* of the Commonwealth and in this section have the same meanings as they have in that Act.

7 Regulations

(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Schedule 1 Descriptions of areas whose reservation as national park is revoked

(Section 3)

Blue Mountains National Park

All that piece or parcel of land containing about 816.7 square metres situated in the County of Cook, Parish of Megalong, local government area of Blue Mountains, and being lot 1, DP 1022935.

Brisbane Water National Park

All those pieces or parcels of land containing about 42.56 hectares situated in the County of Northumberland, Parishes of Narara and Cowan, local government area of Gosford, and being lot 10, DP 631623, lots 2 and 3, DP 812625, lots 1, 4, 5, 6, 7, 8 and 9, DP 261390, lots 4, 5, 8, 11

and 17, DP 264006 and lot 9, DP 264217.

Broadwater National Park

All those pieces or parcels of land containing about 5 hectares situated in the County of Richmond, Parish of Riley, local government area of Richmond Valley, and being those parts of lot 12, DP 778398, which lie within the boundaries of Broadwater National Park.

Georges River National Park

All that piece or parcel of land containing about 24.9 square metres situated in the County of Cumberland, Parish of Holsworthy, local government area of Sutherland, and being lot 52, DP 713983.

Morton National Park

All those pieces or parcels of land containing about 2023.4 square metres situated in the County of Camden, Parish of Burrawang, local government area of Wingecarribee, and being lots 2 and 3, DP 348144.

Mount Warning National Park

All that piece or parcel of land containing about 1.108 hectares situated in the County of Rous, Parish of Wollumbin, local government area of Tweed, and being lot 8, DP 859810.

Myall Lakes National Park

All those pieces or parcels of land containing about 28.36 hectares situated in the County of Gloucester, Parish of Nerong, local government area of Great Lakes, and being the area shown by hatching on the sketch titled "New 874" and dated 1 November 2000, prepared by the Roads and Traffic Authority Property Services Branch and held by the Roads and Traffic Authority at Newcastle.

Sydney Harbour National Park

All those pieces or parcels of land containing about 6364.1 square metres situated in the County of Cumberland, Parish of Willoughby, local government area of Mosman, and being lots 3 and 4, DP 727103.

Schedule 2 Descriptions of areas whose dedication as nature reserve is revoked

(Section 4)

Barren Grounds Nature Reserve

All that piece or parcel of land containing about 5.3 hectares situated in the Parish of Wallaya, County of Camden, local government area of Shoalhaven, and being the area within the nature reserve bounded by lot 205, DP 751292, lot 236, DP 751292, and a straight line joining the south-east corner of lot 236, DP 751292, to the south-east corner of lot 205, DP 751292.

Brunswick Heads Nature Reserve

All those pieces or parcels of land containing about 5221 square metres situated in the County of Rous, Parish of Billinudgel, local government area of Byron, and being lots 1 and 2, DP 1004549.

Cockle Bay Nature Reserve

All that piece or parcel of land containing about 95.4 square metres situated in the County of

Northumberland, Parish of Kincumber, local government area of Gosford, and being lot 2, DP 830263.

Karuah Nature Reserve

All those pieces or parcels of land containing about 16.384 hectares situated in the County of Gloucester, Parish of Tarean, local government area of Port Stephens, and being lots 32 and 34, DP 1024344.

Kororo Nature Reserve

All that piece or parcel of land containing about 327.3 square metres situated in the County of Fitzroy, Parish of Coff, local government area of Coffs Harbour, and being lot 13, DP 864418.

Mundoonen Nature Reserve

All those pieces or parcels of land containing about 15.611 hectares situated in the County of King, Parish of Manton, local government areas of Yass and Gunning, and being lots 9, 10 and 11, DP 839295.

Munghorn Gap Nature Reserve

All those pieces or parcels of land containing about 4106 square metres situated in the County of Phillip, Parishes of Cumbo and Moolarben, local government area of Mudgee, and being lots 1 and 3, DP 871714.

Wamberal Lagoon Nature Reserve

All those pieces or parcels of land containing about 2101.2 square metres situated in the County of Northumberland, Parish of Kincumber, local government area of Gosford, and being lots 3 and 4, DP 872342.

Wee Jasper Nature Reserve

All that piece or parcel of land containing an area of about 3130 square metres situated in the County of Buccleuch, Parish of West Goodradigbee, local government area of Yass, being the area within lot 94, DP 751002, bounded by the western boundary of lot 841, DP 809587, then by a line generally west from the south-west corner of lot 841, DP 809587, for a distance of approximately 69.35 metres and then by the south-east boundary of Crown road (20.115 metres wide) for a distance of approximately 113.89 metres, to the north-west corner of lot 841, DP 809587.

Historical notes

Table of Acts *National Parks and Wildlife (Adjustment of Areas) Act 2001 No 49* .
Minister's second reading speech made: Legislative Assembly, 28.3.2001; Legislative Council, 10.4.2001. Assented to 17.7.2001. Date of commencement (except in its application to so much of Sch 1 as relates to Myall Lakes National Park), 10.8.2001, sec 2 and GG No 122 of 10.8.2001, p 5860; date of commencement of so much of Sch 1 as relates to Myall Lakes National Park: not in force.