



New South Wales

# National Park Estate (Lower Hunter Region Reservations) Bill 2006

## Explanatory note

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

## Overview of Bill

The objects of this Bill are:

- (a) to transfer certain lands to the national park estate, and
  - (b) to amend the *National Parks and Wildlife Act 1974* in relation to special areas under the *Hunter Water Act 1991* that are within the national park estate to provide for the following:
    - (i) the joint preparation and implementation of plans of management for that land by the Director-General of the Department of Environment and Conservation and the Chief Executive Officer of the Hunter Water Corporation, and for the joint adoption of those plans by the Minister for the Environment and the Minister for Natural Resources,
    - (ii) the carrying out of development for certain purposes by or on behalf of the Hunter Water Corporation, and
  - (c) to amend the *Hunter Water Act 1991* to provide that the Hunter Water Corporation is the owner of all works on land within a special area under that Act that is part of the national park estate.
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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 1 July 2007, except for the proposed amendments to the *National Parks and Wildlife Act 1974* and *Hunter Water Act 1991* (referred to in the Overview), proposed Part 1 and sections 12 and 13.

**Clause 3** defines expressions used in the proposed Act.

### Part 2 Land transfers

**Clause 4** revokes the dedication as State forest of lands that are:

- (a) to be reserved under the *National Parks and Wildlife Act 1974*, or
- (b) to be vested in the Minister for the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*.

**Clause 5** reserves certain lands in revoked State forests as national park or state conservation area. The lands concerned are set out in Schedule 1.

**Clause 6** reserves certain Crown lands as national park, nature reserve or state conservation area. The lands concerned are set out in Schedule 2.

**Clause 7** sets apart certain lands in State forests as flora reserves under the *Forestry Act 1916*. The land concerned is set out in Schedule 3.

**Clause 8** vests certain lands in revoked State forests, and certain Crown lands, in the Minister for the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*. The land concerned is set out in Schedules 4 and 5.

**Clause 9** transfers land currently within national park, nature reserve or state conservation area to Gir-um-bit National Park, Hunter Estuary National Park, Karuah National Park, Medowie Nature Reserve, Medowie State Conservation Area or Wallaroo National Park. The land concerned is set out in Schedule 6.

**Clause 10** enables the Director-General of the Department of Environment and Conservation to adjust the descriptions of land in Schedule 1, 2, 3, 4, 5 or 6 in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land and to adjust boundaries to public roads (so long as the adjustment will not result in any significant reduction in the size or value of any such land). Adjustments are also authorised in connection with easements and to provide a more detailed description of land.

**Clause 11** is a formal provision that gives effect to Schedule 7, which contains ancillary and special provisions with respect to the land transfers under this Part.

### **Part 3 Miscellaneous**

**Clause 12** provides that the proposed Act binds the Crown.

**Clause 13** enables the making of regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

**Clause 14** amends the *Native Title (New South Wales) Act 1994* to preserve native title rights and interests in respect of a reservation or vesting of, or declaration over, land or waters by the operation of the proposed Act.

**Clause 15** is a formal provision that gives effect to the amendment to the *National Parks and Wildlife Act 1974* set out in Schedule 8.

**Clause 16** is a formal provision that gives effect to the amendment to the *Hunter Water Act 1991* set out in Schedule 9.

#### **Schedule 1 State forests reserved as national park or state conservation area**

This Schedule sets out lands whose dedication as State forest is revoked and that are reserved on 1 July 2007 as national park or state conservation area.

#### **Schedule 2 Crown lands reserved as national park, nature reserve or state conservation area**

This Schedule sets out the Crown lands that are reserved as national park, nature reserve or state conservation area.

#### **Schedule 3 Parts of State forests set apart as flora reserves under Forestry Act 1916**

This Schedule sets out the lands within State forests that are set apart as flora reserves under the *Forestry Act 1916*.

#### **Schedule 4 State forests vested in NPW Minister**

This Schedule sets out the lands (being lands whose dedication as State forest is revoked) that are vested in the Minister for the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*.

#### **Schedule 5 Crown lands vested in NPW Minister**

This Schedule sets out the Crown lands that are vested in the Minister for the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*.

## **Schedule 6 Changes within national park estate**

This Schedule sets out the land affected by the changes in the national park estate referred to in clause 9.

## **Schedule 7 Land transfers—ancillary and special provisions**

This Schedule makes ancillary and special provisions with respect to land transferred under the proposed Act.

## **Schedule 8 Amendment of National Parks and Wildlife Act 1974**

**Schedule 8 [11]** inserts proposed section 75 into the *National Parks and Wildlife Act 1974 (the Principal Act)*, which provides for plans of management for special areas under the *Hunter Water Act 1991* that are within the national park estate to be jointly prepared, and given effect to, by the Director-General of the Department of Environment and Conservation and the Chief Executive Officer of the Hunter Water Corporation. The proposed section also provides for such plans of management to be jointly adopted by the Minister for the Environment and the Minister for Natural Resources.

**Schedule 8 [8]–[10]** make amendments that are consequential on the amendment made by Schedule 8 [11].

**Schedule 8 [13]** inserts proposed section 185A into the Principal Act, which provides for the carrying out of certain development by or on behalf of the Hunter Water Corporation in special areas under the *Hunter Water Act 1991* that are within the national park estate. The development concerned is:

- (a) development for the purpose of the extraction, treatment, reticulation or replenishment of groundwater, or
- (b) development for the purpose of any pumping station, or other infrastructure, that is connected with or incidental to the extraction, treatment, reticulation or replenishment of groundwater, or
- (c) development for the purpose of the installation, replacement or maintenance of sealed sewerage pipes and of pumps, and the use of those pipes and pumps for conveying sewage (but not any other development for the purpose of sewage discharge or treatment).

The proposed section enables the carrying out of the above kinds of development despite any provision of, or made under, the Principal Act that would otherwise prevent, prohibit, or require authorisation for the development, but only if it is authorised or permitted under the *Environmental Planning and Assessment Act 1979*. The development must also be in accordance with any adopted plan of management for the land concerned that has been prepared jointly by the Director-General of the

Department of Environment and Conservation and the Chief Executive Officer of the Hunter Water Corporation.

**Schedule 8 [12]** makes an amendment that is consequential on the amendment made by Schedule 8 [13].

**Schedule 8 [1]–[7]** make amendments to sections 30E, 30F, 30G, 30H, 30I, 30J and 30K of the Principal Act, which require reserves under the Principal Act to be managed in accordance with a new principle (in addition to the management principles already provided for in those sections). The principle is provision for the carrying out of development in any part of a special area under the *Hunter Water Act 1991* in a reserve under the Principal Act that is permitted under proposed section 185A having regard to the conservation of the natural and cultural values of those reserves.

## **Schedule 9      Amendment of Hunter Water Act 1991**

This Schedule amends section 19 of the *Hunter Water Act 1991* to provide that the Hunter Water Corporation is the owner of all works on land within a special area that is part of the national park estate or vested in Her Majesty or the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974*.