



New South Wales

National Parks and Wildlife (Adjustment of Areas) Act 2005 No 27

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National Parks and Wildlife (Adjustment of Areas) Act 2005 No 27

Act No 27, 2005

An Act to revoke the reservation under the *National Parks and Wildlife Act 1974* of certain areas of land as national park or nature reserve; and for other purposes.
[Assented to 31 May 2005]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *National Parks and Wildlife (Adjustment of Areas) Act 2005*.

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 or nature reserve

The reservation under the *National Parks and Wildlife Act 1974* as national park or nature reserve of land described in Schedule 1 or 2 is revoked.

4 Land within Botany Bay National Park to vest in Crown as Crown land

On the revocation under this Act of the reservation as national park of land described in Schedule 1, that land:

- (a) is vested in the Crown for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests and rights of way or other easements, and
- (b) is Crown land within the meaning of the *Crown Lands Act 1989*.

5 Land to vest in Minister

- (1) On the revocation under this Act of the reservation as national park or nature reserve of land described in Schedule 2, that land vests in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* on behalf of the Crown for the purposes of that Part for an estate in fee simple, freed and discharged from:
 - (a) all trusts, obligations, estates, interests, rights of way or other easements, and
 - (b) any dedication, reservation, Crown grant or vesting to which the land was subject, and any such dedication, reservation, grant or vesting is revoked.
- (2) The Minister is not to transfer under Part 11 of the *National Parks and Wildlife Act 1974*:
 - (a) the whole or any part of the land described in clauses 1 and 2 of Schedule 2, or
 - (b) any interest in that 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).

- (3) For the purposes of subsection (2), the national park estate comprises land reserved 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 under that Act.
- (4) Any access roads within the land described in clause 3 of Schedule 2 may continue to be used for the purposes for which they were used immediately before the commencement of this Act.
- (5) Nothing in this section affects the exercise of any power, authority, duty or function by the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* or any other person under and in accordance with the *National Parks and Wildlife Act 1974* in relation to any such access road.

6 Saving of native title rights and interests

- (1) This Act does not operate to extinguish any native title rights and interests existing in relation to the land described in Schedule 1 or 2 immediately before its vesting by section 4 or 5.
- (2) 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*.
- (3) Words and expressions used in this section have the same meanings as they have in the *Native Title Act 1993* of the Commonwealth.

7 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

8 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) Any such provision may, if the regulations so provide, take effect from the date of commencement of this Act or a later date.

- (4) 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.

9 Amendment of National Park Estate (Southern Region Reservations) Act 2000 No 103

The *National Park Estate (Southern Region Reservations) Act 2000* is amended as set out in Schedule 3.

National Parks and Wildlife (Adjustment of Areas) Act 2005 No 27

Land within Botany Bay National Park vested in the Crown as Crown land Schedule 1

**Schedule 1 Land within Botany Bay National Park
vested in the Crown as Crown land**

(Sections 3 and 4)

All those pieces or parcels of land containing about 716 square metres situated in the County of Cumberland, Parish of Botany and local government area of Randwick, being that part of Lot 5209 DP 704508 described as hatched areas "PTC" and "PTD" in miscellaneous plan R00104 held at the office of the Parks and Wildlife Division of the Department of Environment and Conservation.

Schedule 2 Land within national parks or nature reserve vested in Minister administering Part 11 of the National Parks and Wildlife Act 1974

(Sections 3 and 5)

1 Kosciuszko National Park

All that piece or parcel of land containing 184 hectares, situated in the Counties of Selwyn and Buccleuch, Parishes of Buddong and Boraig and local government area of Tumut, being the area bounded by Lot 5 DP 235380, then by Lot 18 DP 728290, then by the left bank of the Tumut River generally east to the westerly prolongation of the southern boundary of Lot 14 DP 750974, then by that line east for a distance of 45.5 metres, then by a line bearing (grid north) 192 degrees 38 minutes 40 seconds for a distance of 72.74 metres, then by a line bearing 194 degrees 22 minutes 40 seconds for a distance of 67.1 metres, then by a line bearing 187 degrees 50 minutes 40 seconds for a distance of 103.22 metres, then by a line bearing 212 degrees 30 minutes 30 seconds for a distance of 88.95 metres, then by a line bearing 215 degrees 44 minutes for a distance of 119.36 metres, then by a line bearing 211 degrees 41 minutes for a distance of 144.94 metres, then by a line bearing 190 degrees 31 minutes 30 seconds for a distance of 62.17 metres, then by a line bearing 161 degrees 45 minutes for a distance of 139.12 metres, then by a line bearing 171 degrees 25 minutes 20 seconds for a distance of 232.64 metres, then by a line bearing 148 degrees 7 minutes 40 seconds for a distance of 529.92 metres, then by a line bearing 246 degrees 53 minutes 30 seconds for a distance of 65.35 metres, then by a line bearing 207 degrees 4 minutes 20 seconds for a distance of 71.46 metres, then by a line bearing 121 degrees 16 minutes 30 seconds for a distance of 52.65 metres, then by a line bearing 170 degrees 11 minutes 30 seconds for a distance of 46.24 metres, then by a line bearing 183 degrees 50 minutes for a distance of 41.03 metres, then by a line bearing 149 degrees 16 minutes 40 seconds for a distance of 90.14 metres, then by a line bearing 254 degrees 59 minutes 40 seconds for a distance of 147.8 metres, then by a line bearing 182 degrees 37 minutes for a distance of 103.58 metres and by a line to the southern most south eastern corner of Lot 5 DP 235380.

2 Lake Innes Nature Reserve

All that piece or parcel of land containing an area of about 2.89 hectares, situated in the Parish and County of Macquarie and local government area of Hastings, being Lot 1 DP 1072284 and that part of Lake Innes Nature Reserve (notified in the Gazette of 15 November 1985) east of Lot 1 DP 1072284.

3 South East Forest National Park

- (1) All that piece or parcel of land containing an area of about 6.8 hectares, situated in the County of Auckland, Parish of Colombo and local government area of Bega Valley Shire, being a strip 20 metres wide embracing the formation of Nitens Road within South East Forest National Park.
- (2) All that piece or parcel of land containing an area of about 6.2 hectares, situated in the County of Wellesley, Parish of Burrimbucco and local government area of Bombala, being a strip 20 metres wide embracing the formation of Coolangubra Forest Way within South East Forest National Park.
- (3) All that piece or parcel of land containing an area of about 22 hectares, situated in the County of Auckland, Parishes of Boyd, Nullica and Imlay and local government area of Bega Valley Shire, being a strip 20 metres wide embracing the formation of Ben Boyd Road (in 2 parts) within South East Forest National Park.

**Schedule 3 Amendment of National Park Estate
(Southern Region Reservations) Act
2000**

(Section 9)

- [1] **Section 10 Adjustment of description of land transferred to national park estate**
Insert “or (c)” after “paragraph (b)” in section 10 (6) (a).
- [2] **Section 10 (6) (b) and (c)**
Omit section 10 (6) (b). Insert instead:
- (b) in the case of an adjustment of the description of any land in or to be included in Schedule 5—31 December 2005, or
 - (c) in the case of an adjustment of the boundary of land adjoining a public road—31 December 2007.
- [3] **Schedule 7 Land transfers—ancillary and special provisions**
Omit “2005” from clause 8 (6). Insert instead “2007”.

[Second reading speech made in—
Legislative Assembly on 2 March 2005
Legislative Council on 24 May 2005]

BY AUTHORITY