

National Park Estate (Land Transfers) Act 1998 No 163



New South Wales

Status information

Currency of version

Current version for 1 July 2018 to date (accessed 19 May 2020 at 10:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

Formerly known as

Forestry and National Park Estate Act 1998

Responsible Minister

Minister for Energy and Environment

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 1 July 2018.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) The following provisions commence on the date of assent to this Act:
 - (a) section 44 and Schedule 9,
 - (b) section 48 and Schedule 13.

- (3) Parts 1 and 2 and Schedules 1–7 commence on 1 January 1999.

Schedule 1 State forest reserved as national park or historic site or dedicated as nature reserve

Part 3 Upper North East Region

101 Additions to Mount Jerusalem National Park

- (1) **Burringbar State Forest No 4** An area of about 79 hectares, being the balance of Burringbar State Forest No 4, dedicated 3 December 1913, in the Parish of Mooball, County of Rous.

Note. This is area "NN" on the Upper North East Region (National Park Additions) map.

- (2) **Nullum State Forest No 356** An area of about 4100 hectares, being the balance of Nullum State Forest No 356, dedicated 9 March 1917, the balance of Nos 2 and 3 Extensions thereto dedicated 11 October 1963 and 12 May 1967 respectively, and Nullum State Forest No 356 Nos 1, 4, 5, 6, 8 and 9 Extensions dedicated 10 January 1930, 6 August 1971, 12 January 1973, 5



Schedule 7 Land transfers—ancillary and special provisions

(Section 13)

7 Special provision as to access roads within national parks etc

- (1) In this clause:

access roads means the roads, tracks, trails and other means of access referred to in subclause (2) (a)–(c).

NPW Minister means the Minister administering the *National Parks and Wildlife Act 1974*.

private land holding means land held:

- (a) by an owner within the meaning of the *National Parks and Wildlife Act 1974*, or
(b) as a holding within the meaning of the *Crown Land Management Act 2016*.

- (2) This clause applies to and in respect of the following roads, tracks, trails and other means of access situated within the lands referred to in Schedule 1 or 2 immediately before the commencement of Part 2 of this Act:

(a) roads of access within the meaning of section 33A of the *Forestry Act 1916*,

(b) roads used, immediately before the commencement of Part 2, for access to private land holdings within those lands,

(c) roads through those lands to State forests or private land holdings that adjoin or are in the vicinity of the lands.

- (3) The access roads to which this clause applies are not, on the commencement of Part 2 of this Act, reserved as, or as part of, a national park or historic site or dedicated as or as part of a nature reserve by the operation of Part 2 but vest in the NPW Minister on behalf of the Crown for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* 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 lands were subject, and any such dedication, reservation, grant or vesting is revoked by the operation of this clause.

- (4) The access roads may continue, subject to this clause, to be used for the purposes for which they were used immediately before the commencement of Part 2 of this Act.



(5) Within 12 months after the commencement of Part 2 of this Act (or within such further period as the NPW Minister may, by notice published in the Gazette, notify before the expiration of that period) the NPW Minister must, by one or more orders published in the Gazette, declare which of the access roads to which this clause applies:

(a) are excluded from reservation as part of a national park or historic site or dedication as part of a nature reserve, or

(b) are not so excluded and are reserved as part of the national park or historic site or dedicated as part of the nature reserve in which they are situated.

An order under this subclause may be published only with the concurrence of the Minister administering the *Forestry Act 1916*.

(6) On the publication of an order under subclause (5):

(a) the access roads that are referred to in the order as excluded from reservation as part of a national park or historic site or dedication as part of a nature reserve remain vested in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* and may, subject to this clause, continue to be used for the purposes for which they were used immediately before the commencement of Part 2 of this Act, and

(b) the access roads that are not so excluded are reserved as part of the national park or historic site or dedicated as part of the nature reserve within which they are situated.

(7) Nothing in this clause affects the exercise of any power, authority, duty or function by the NPW Minister or any other person under and in accordance with the *National Parks and Wildlife Act 1974* in relation to any access road to which this clause applies.

(8) While a private land holding is in private ownership, nothing in this clause authorises the NPW Minister to close any access road that comprises the only practical means of access to the land holding.

(9) This clause has effect despite the provisions of the *Forestry Act 1916*.

Appendix 1: Parish map – Identifying Part Nullum State Forest No 356





Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 207
Friday, 31 December 2004

Published under authority by Government Advertising and Information

SPECIAL SUPPLEMENT

FORESTRY AND NATIONAL PARK ESTATE ACT, 1998

ORDER TO EXCLUDE CERTAIN ACCESS ROADS FROM VARIOUS NATIONAL PARKS AND NATURE RESERVES AND TO RESERVE ALL OTHER ACCESS ROADS AS PART OF VARIOUS NATIONAL PARKS AND NATURE RESERVES

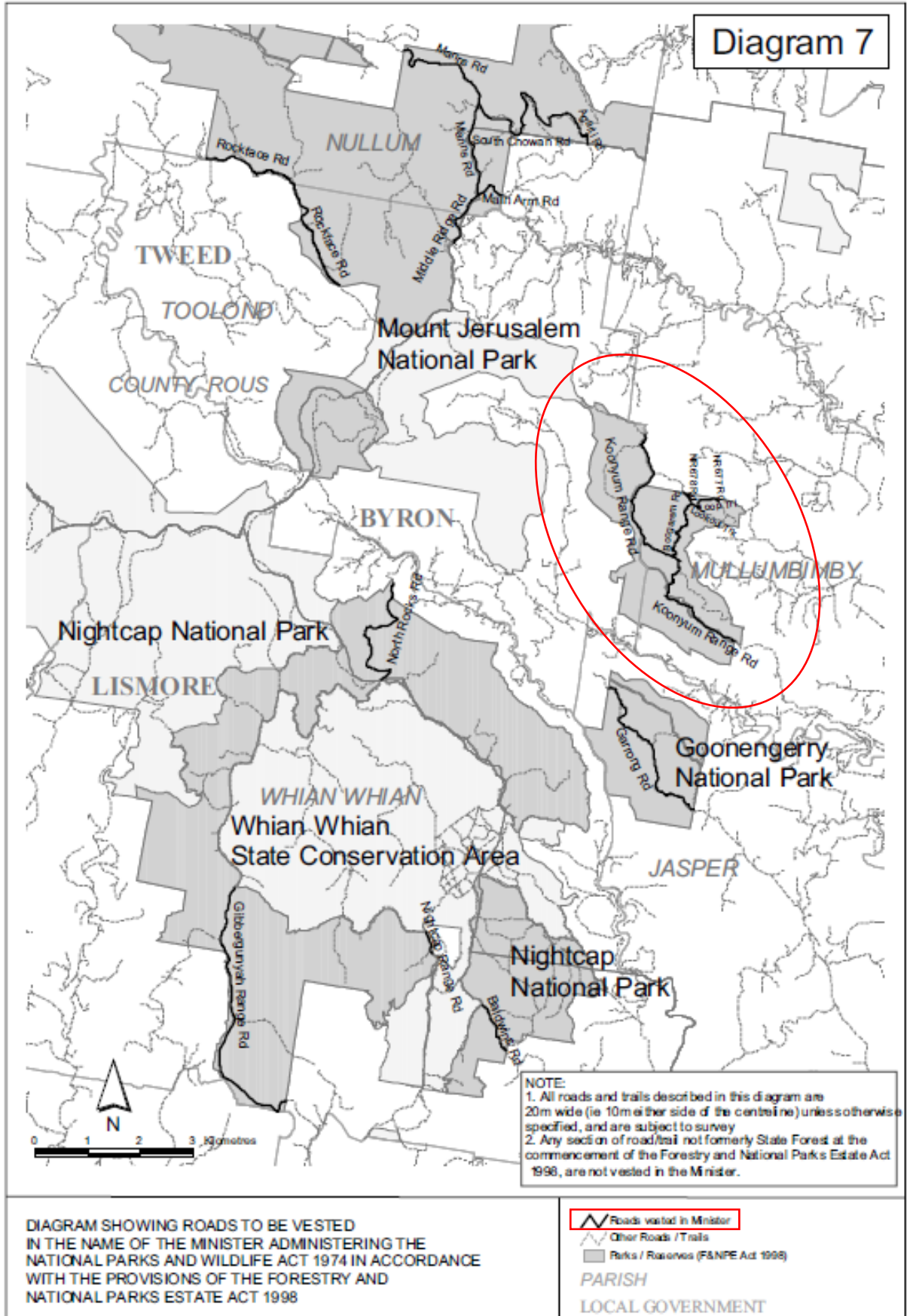
I, Robert Debus, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the Forestry and National Park Estate Act 1998 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7 (5) (a)&(b):-

1. All access roads described in the Schedule hereunder are excluded from the reservation of the National Park or Nature Reserve and are vested in the Minister administering National Parks & Wildlife Act 1974.
2. All other access roads not so excluded are reserved as part of the National Park or Nature Reserve.

BOB DEBUS, M.P.
Minister for the Environment

SCHEDULE

Being those areas shown by heavy black lines in the following diagrams numbered 1 to 66 (inclusive of diagrams 1A, 1B, 31A, 31B, 46A, 46B & 50B);



Appendix 2: National Parks and Wildlife Act 1974

Part 11 Acquisition and disposal of property

145 Acquisition of land for reservation or other purposes

The Minister may, for the purpose of obtaining land for reservation under Part 4 or Part 4A, of conserving threatened species, populations or ecological communities, or their habitats or of preserving, protecting and preventing damage to Aboriginal objects or Aboriginal places—

- (a) on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of any land, or
- (b) acquire land by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

146 Acquisition or occupation of lands for certain purposes

(1) For the purpose of—

- (a) improving access to any land reserved or dedicated or acquired under this Act,
- (b) the management, maintenance or improvement of any such land, or
- (c) carrying out works for any of those purposes,

the Minister may—

- (d) on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any land adjoining or in the vicinity of the land so reserved or dedicated, or
- (e) acquire any land (including an interest in land) adjoining or in the vicinity of the land so reserved or dedicated by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.