

LEGISLATIVE ASSEMBLY

Read 1° 25 February 1987

(Brought in by Mr Cathie and Mr Fordham)

A BILL

to establish new parks, to enlarge and vary the boundaries of existing parks, to amend the *National Parks Act 1975* and for other purposes.

National Parks (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to amend the *National Parks Act 1975* to—

- 5 (a) establish new parks; and
 (b) enlarge and vary the boundaries of existing parks.

Commencement.

2. (1) This Act except sections 4 (3), (4), (5), (6), (7), (8) and (9),
10 5 (1) and (2) comes into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(2) Sections 4 (3), (4), (5), (6), (7), (8) and (9), 5 (1) and (2) come into operation on a day or days to be proclaimed.

Principal Act.

15 3. In this Act the *National Parks Act 1975* is called the Principal Act.

No 8702
Reprinted to No
9936
Subsequently
amended by Nos
10073, 10166
and 44/1986

New and enlarged Parks.

4. (1) Schedule Two to the Principal Act is amended by Part A of the Schedule.

(2) Schedule Three to the Principal Act is amended by items (a), (c), (e) and (h) in Part B of the Schedule. 5

(3) Schedule Three to the Principal Act is amended by item (b) in Part B of the Schedule.

(4) Schedule Three to the Principal Act is amended by item (d) in Part B of the Schedule.

(5) Schedule Three to the Principal Act is amended by item (f) in Part B of the Schedule. 10

(6) Schedule Three to the Principal Act is amended by item (g) in Part B of the Schedule.

(7) Schedule Three to the Principal Act is amended by item (i) in Part B of the Schedule. 15

(8) Schedule Three to the Principal Act is amended by item (j) in Part B of the Schedule.

(9) Schedule Three to the Principal Act is amended by item (k) in Part B of the Schedule.

(10) The lands delineated and coloured yellow in the plan referred to in Part A of the Schedule cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine. 20
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(11) On the respective days on which Schedule Three to the Principal Act is amended by items (d), (e), (f), (g), (i), (j) and (k) of Part B of the Schedule, the lands delineated and coloured yellow in the plans referred to in those items cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine. 30

(12) The lands delineated by a green border in the plans referred to in items (d), (f), (i) and (k) of Part B of the Schedule cease to be reserved forest on the respective days on which Schedule Three to the Principal Act is amended by those items. 35

(13) If the title to the lands shown hatched in the plans in Part C of the Schedule is not surrendered to Her Majesty before the commencement of sub-section (3), those lands are deemed to be excluded from the land described in Part 8 of Schedule Three to the Principal Act until the title to those lands is surrendered to Her Majesty. 40

5 (14) Any land described in Part 22 of Schedule Three to the Principal Act as in force immediately before the commencement of sub-section (2) and not described in the corresponding part of the Schedule as amended by sub-section (2) becomes unalienated Crown land on the commencement of sub-section (2).

Extraction of forest produce.

5. (1) In section 25B (1) of the Principal Act, after “17,” insert “19B,”.

10 (2) In section 25B (1) of the Principal Act, for “or 24” substitute “, 24 or 26B”.

Rights of access by abutting landowners over certain parks.

6. Section 31 of the Principal Act is amended as follows:

(a) For “31. The” substitute “31. (1) The”;

(b) For “3 chains” substitute “60 metres”;

15 (c) At the end of the section insert—

20 “(2) The Minister may grant to a person who holds in fee-simple land abutting land referred to in part 24B of Schedule Three such reasonable rights of access from 150 metres seaward from high-water mark to that first-mentioned land over land referred to in that part subject to such charge or fee (if any) and such terms and conditions as the Minister determines.”.

Amendment of Schedule Three.

25 7. In Part 24 of Schedule Three to the Principal Act, for “section 25” substitute “section 25B”.

SCHEDULE**PART A****Amendment to Schedule Two to the Principal Act**

For Part 19 substitute:

“Part 19—MOUNT RICHMOND NATIONAL PARK

All those pieces or parcels of land containing 1733 hectares, more or less situate in the Parishes of Mouzie and Tarragal, County of Normanby, being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 14/2.”.

PART B**Amendments to Schedule Three to the Principal Act**

(a) For Part 2 substitute:

“Part 2—WARRANTDYTE PARK

All those pieces or parcels of land containing 586 hectares, more or less, situate in the Townships of Warrantdyte and Warrantdyte North and the Parishes of Warrantdyte and Nillumbik, County of Evelyn, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 21/4.”.

(b) For Part 8 substitute:

“Part 8—WARBY RANGE PARK

All those pieces or parcels of land containing 3540 hectares, more or less, situate in the Parishes of Glenrowen and Taminick, County of Moira, being the land delineated and bordered red excepting therefrom the Wangaratta–Thoona road and the roads shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 26/3.”.

(c) For Part 16 substitute:

“Part 16—DISCOVERY BAY PARK

All those pieces or parcels of land containing 8590 hectares, more or less, situate in the Parishes of Glenelg, Kentbruck, Mouzie, Tarragal and Warrain, Counties of Follett and Normanby, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 44/2.”.

(d) After Part 17 insert:

“Part 17A—BLACK RANGE PARK

All those pieces or parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Daahl, Mockinya, Tyar and Yat Nat, County of Lowan, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 77.”.

(e) For Part 18 substitute:

“Part 18—GIPPSLAND LAKES PARK

All those pieces or parcels of land containing 172 square kilometres, more or less, situate in the Township of Seacombe and the Parishes of Boole Poole, Booran, Colquhoun, Dulungalong, Giffard, Seacombe and Wulla Wullock, Counties of Buln Buln and Tanjil, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan

Office of the Department of Property and Services and numbered N.P. 46A/3, N.P. 46B/2 and N.P. 46C/3.”.

(f) After Part 19A insert:

“Part 19B—ANGAHOOK—LORNE PARK

All those pieces or parcels of land containing 21 000 hectares, more or less, situate in the Parishes of Angahook, Boonah, Kaanglang, Lorne, Wensleydale, Wongarra and Wormbete, Counties of Grant and Polwarth, being the land delineated and bordered red or bordered green or coloured yellow excepting the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 79.

Notwithstanding the declaration of the land as a park and subject to section 25B of the Act minor forest produce may be harvested when required in connection with maintenance of the mature red ironbark stands or when available as a result of park management activities.”.

(g) After Part 21A insert:

“Part 21B—MOUNT LAWSON PARK

All those pieces or parcels of land containing 13 150 hectares, more or less, situate in the Parishes of Bungil East, Burrowye, Koetong and Thologolong, County of Benambra, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 80.”.

(h) For Part 22 substitute:

“Part 22—PINK LAKES PARK

All those pieces or parcels of land containing 507 square kilometres, more or less, situate in the Counties of Millewa and Weeah, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 51/1.”.

(i) After Part 22A insert:

“Part 22B—MOUNT ARAPILES—TOOAN PARK

All those pieces or parcels of land containing 5050 hectares, more or less, situate in the Parishes of Arapiles, Gymbowen and Tooan, County of Lowan, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 81.”.

(j) After Part 24A insert:

“Part 24B—FRENCH ISLAND PARK

All those pieces or parcels of land containing 8300 hectares, more or less, situate in the Parish of French Island, County of Mornington, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 83.”.

(k) After Part 26A insert:

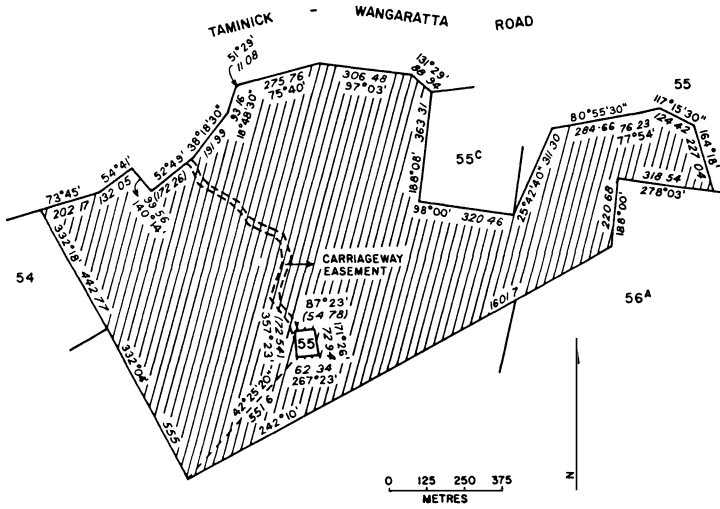
“Part 26B—BARMAH PARK

All those pieces or parcels of land containing 7900 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and bordered red or

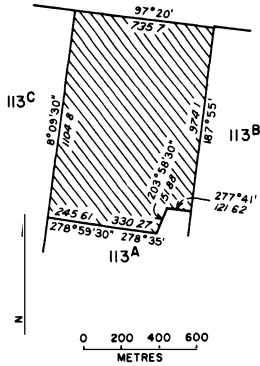
bordered green or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 85.

Notwithstanding the declaration of the land as a park and subject to section 25B of the Act timber and minor forest produce may be harvested during the period ending 31 December 1991."

PART C



PARISH OF GLENROWEN



PARISH OF TAMINICK