



PLANNING PROPOSAL

Amendment to the *Cessnock Local Environmental Plan 2011*

Local Government Area CESSNOCK Numerous Administrative Amendments

Version 1

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Table of Contents

Part 1: Objectives and Outcomes.....	3
Part 2: Explanation of Provisions	4
Part 3: Justification	40
Section A: Need for Proposal.....	40
1 Resulting from a Strategic Study or Report.....	40
2 Planning Proposal as best way to achieve to objectives	40
Section B: Relationship to Strategic Planning Framework.....	41
3 Consistency with Objectives and Actions within Regional Strategies	41
4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan	41
5 Consistency with State Environmental Planning Policies	42
6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making.....	48
Section C: Environmental, Social and Economic Impact.....	54
7 Impact on Threatened Species	54
8 Environmental Impact.....	54
9 Social and Economic Impacts.....	54
Section D: State and Commonwealth Interests.....	55
10 Adequate Public Infrastructure.....	55
11 Consultation with State and Commonwealth Authorities	55
Part 4: Mapping	56
Part 5: Community Consultation.....	57
Part 6: Project Timeline.....	58

Tables

Table 1: Relevant State Environmental Planning Policies	45
Table 2: Relevant Section 9.1 Ministerial Directions	51

Appendices

Appendix 1:.....	63
Appendix 2:.....	68
Appendix 3:.....	74
Appendix 4:.....	89
Appendix 5:.....	95

Part 1: Objectives and Outcomes

The objective of the Planning Proposal is to ensure the *Cessnock Local Environmental Plan 2011* (LEP) remains up to date and reflects the intended use of each parcel of land.

The Planning Proposal will achieve the following objectives:

- Recognise additional properties that have been acquired by the Office of Environment and Heritage
- Correct property descriptions and address of heritage items in schedule 5 of the LEP
- Alter heritage mapping to reflect subdivisions that have occurred
- Allow for a boundary adjustment for a lot that is intersected by the Hunter Expressway
- Correct mapping anomalies

Part 2: Explanation of Provisions

The Planning proposal has been prepared to enable the following amendments to be made to the Cessnock LEP 2011 instrument and maps.

Amendment 1 Yengo National Park additional properties

Address Lot, 67, 91, 126, 140, 179, 180, 193, 194, 207 and 208 DP 755272 and Lot 19, 24, 32, 43, 46 and 64 DP 755213

Proposed change Amend the Land Zoning on maps sheet LZN 003 and LZN 004 to zone the above properties E1 National Park

Amend the Minimum Lot Size on map sheet LSZ 003 and LSZ 004 to apply a minimum lot size of 200ha to the above properties.

Justification The Office of Environment and Heritage wrote to Council on 2 June 2016 (**Appendix 1**) and in September 2019 (**Appendix 2**) and advised that the above properties have been acquired by National Parks and Wildlife Service for addition to Yengo National Park. As such the properties should be zoned E1 National Park and have the appropriate minimum lot size applied.

Figure 1: Current lot size

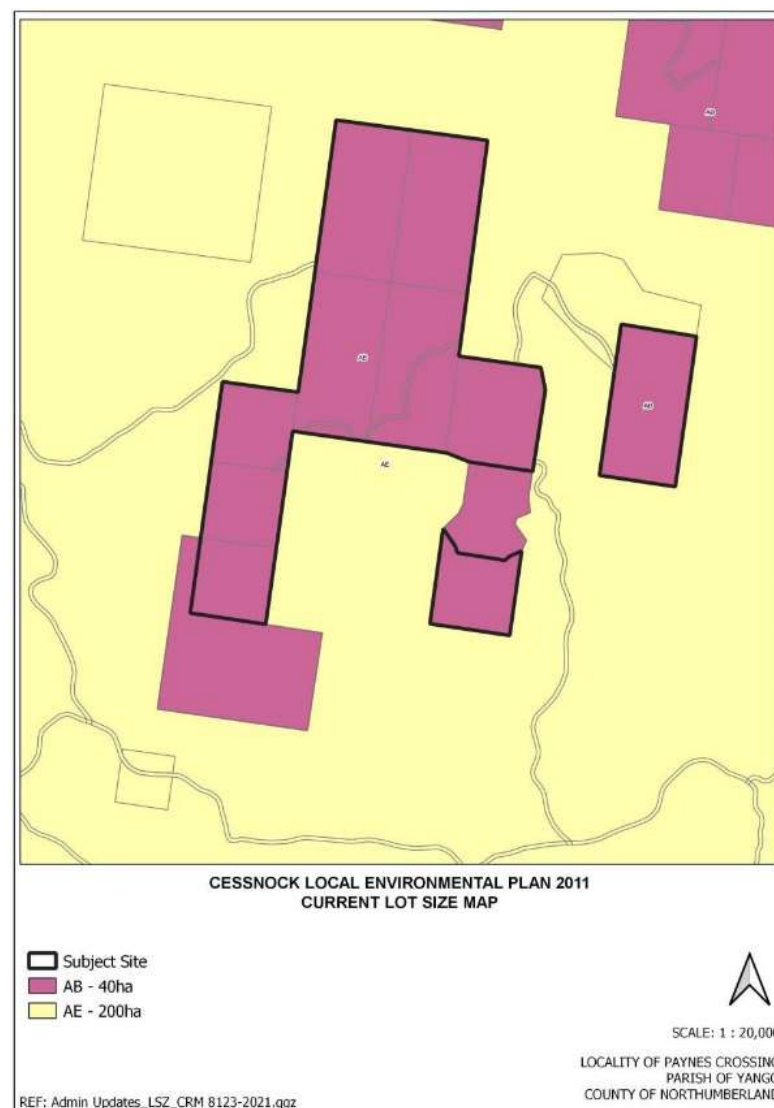


Figure 2: Proposed lot size

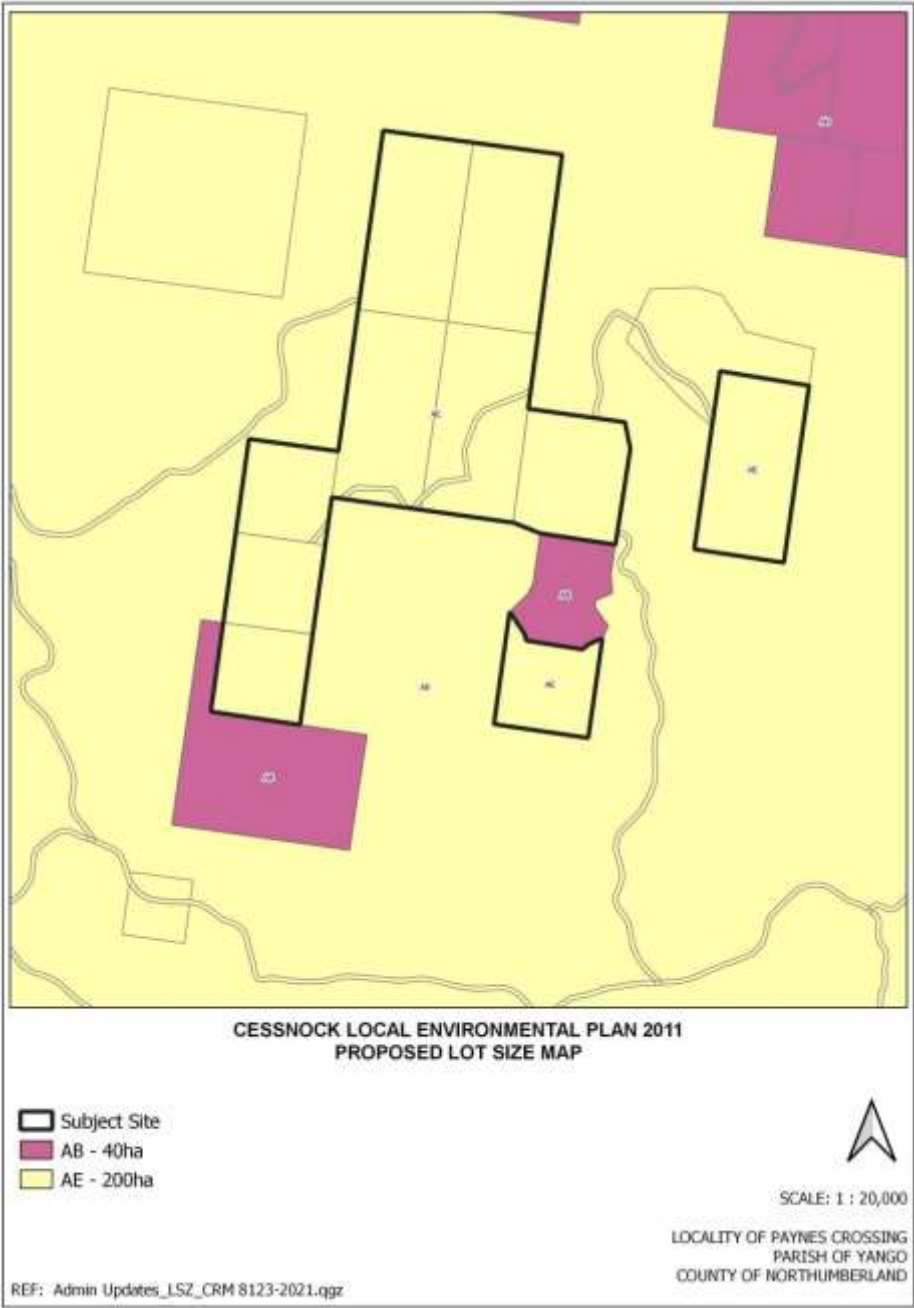


Figure 3: Current zoning

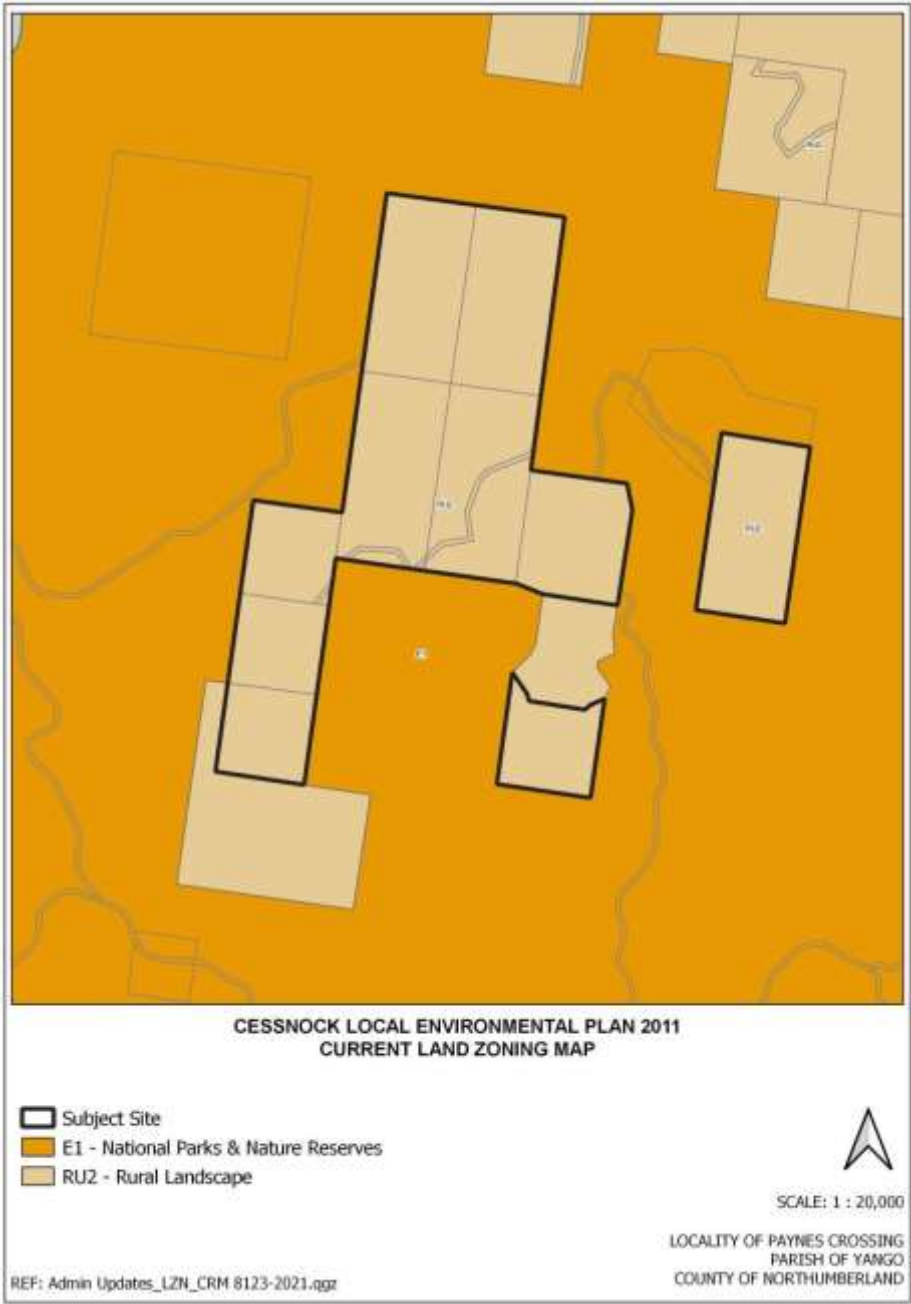


Figure 4: Proposed zoning

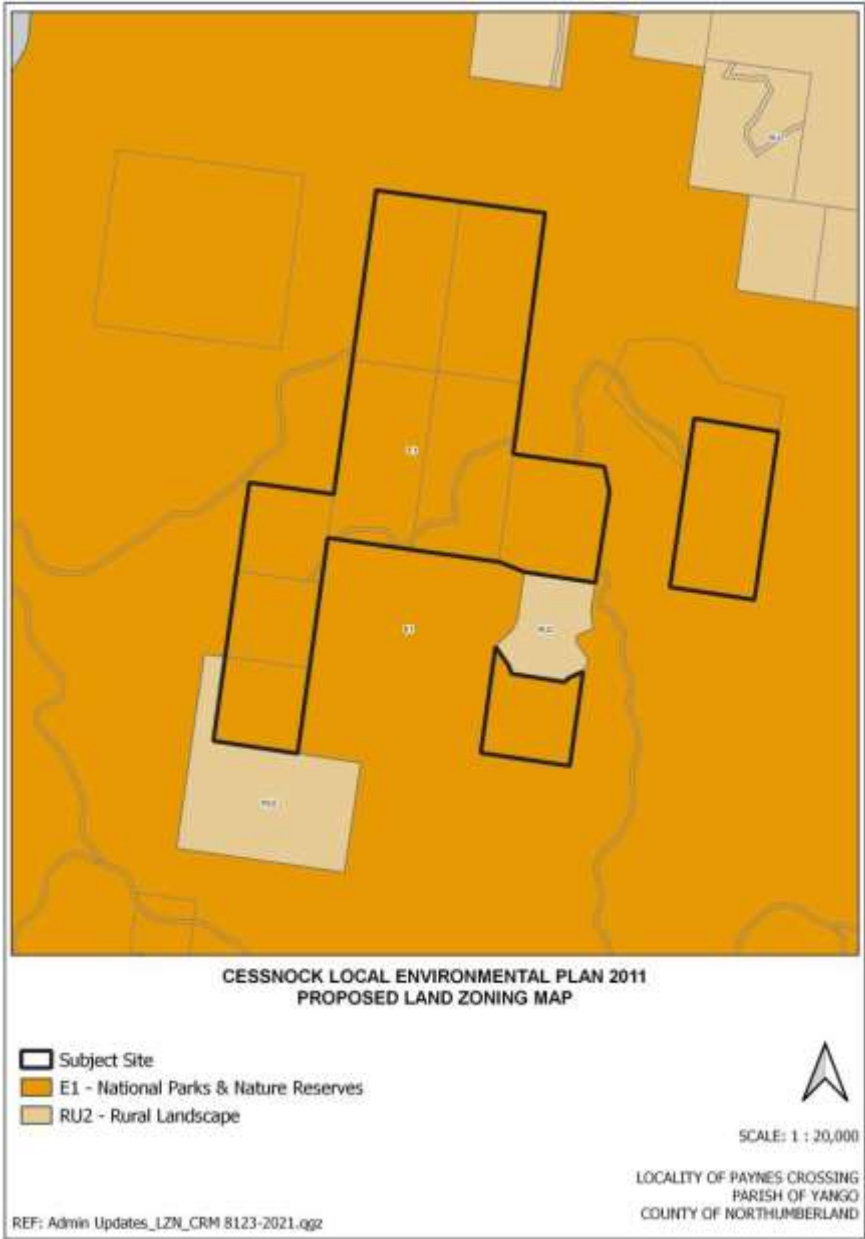


Figure 5: Current lot size

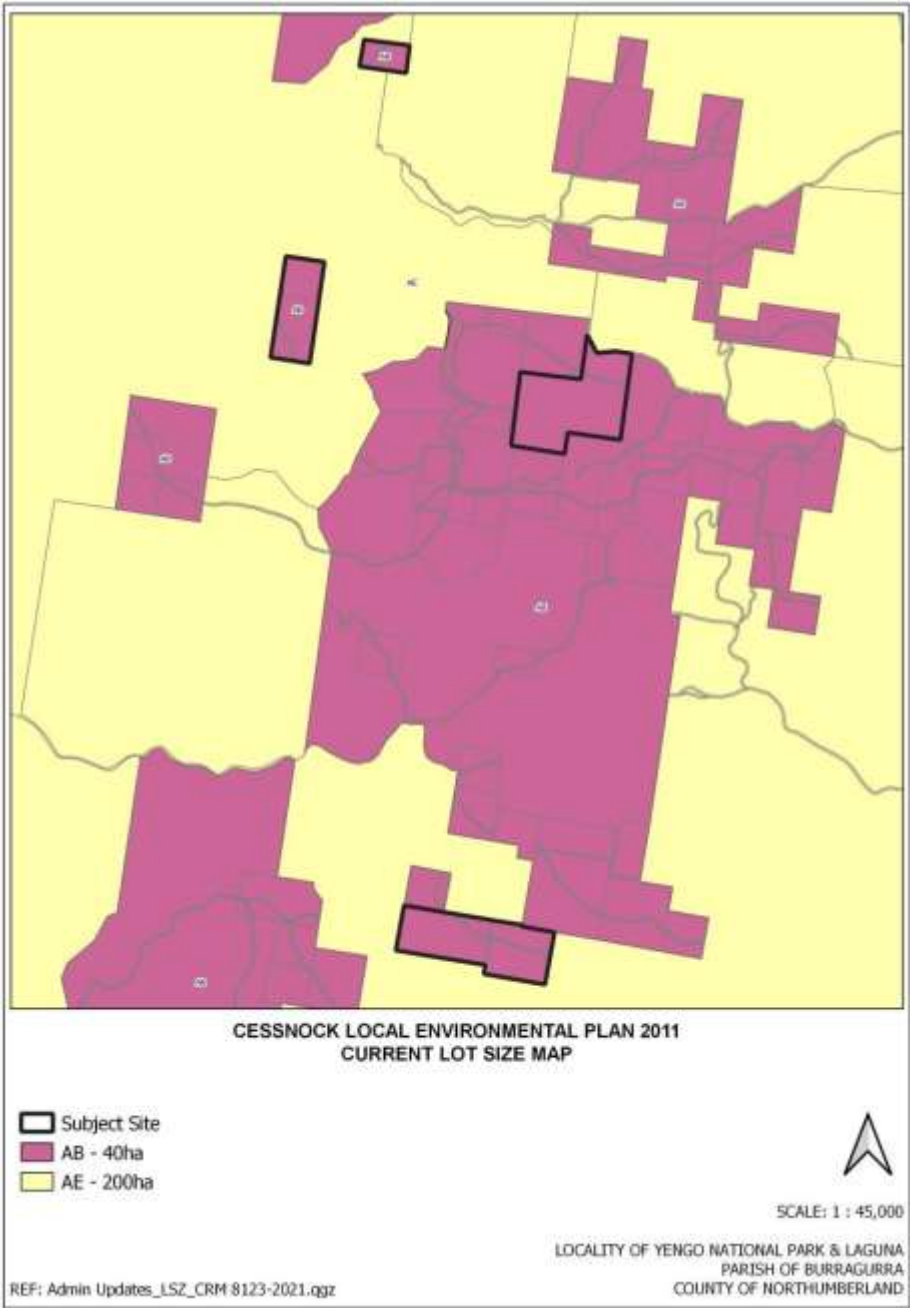


Figure 6: Proposed lot size

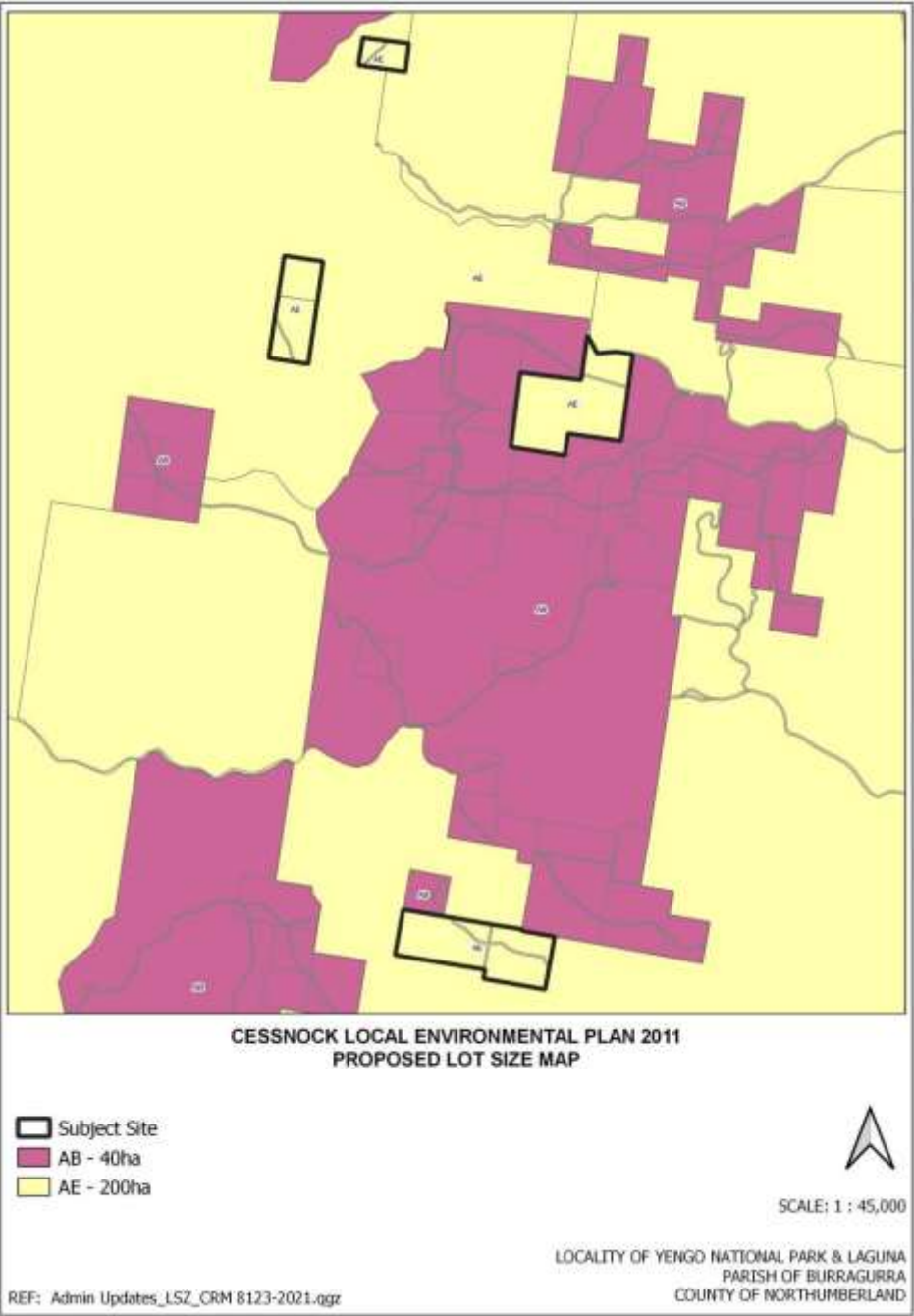


Figure 7: Current zoning

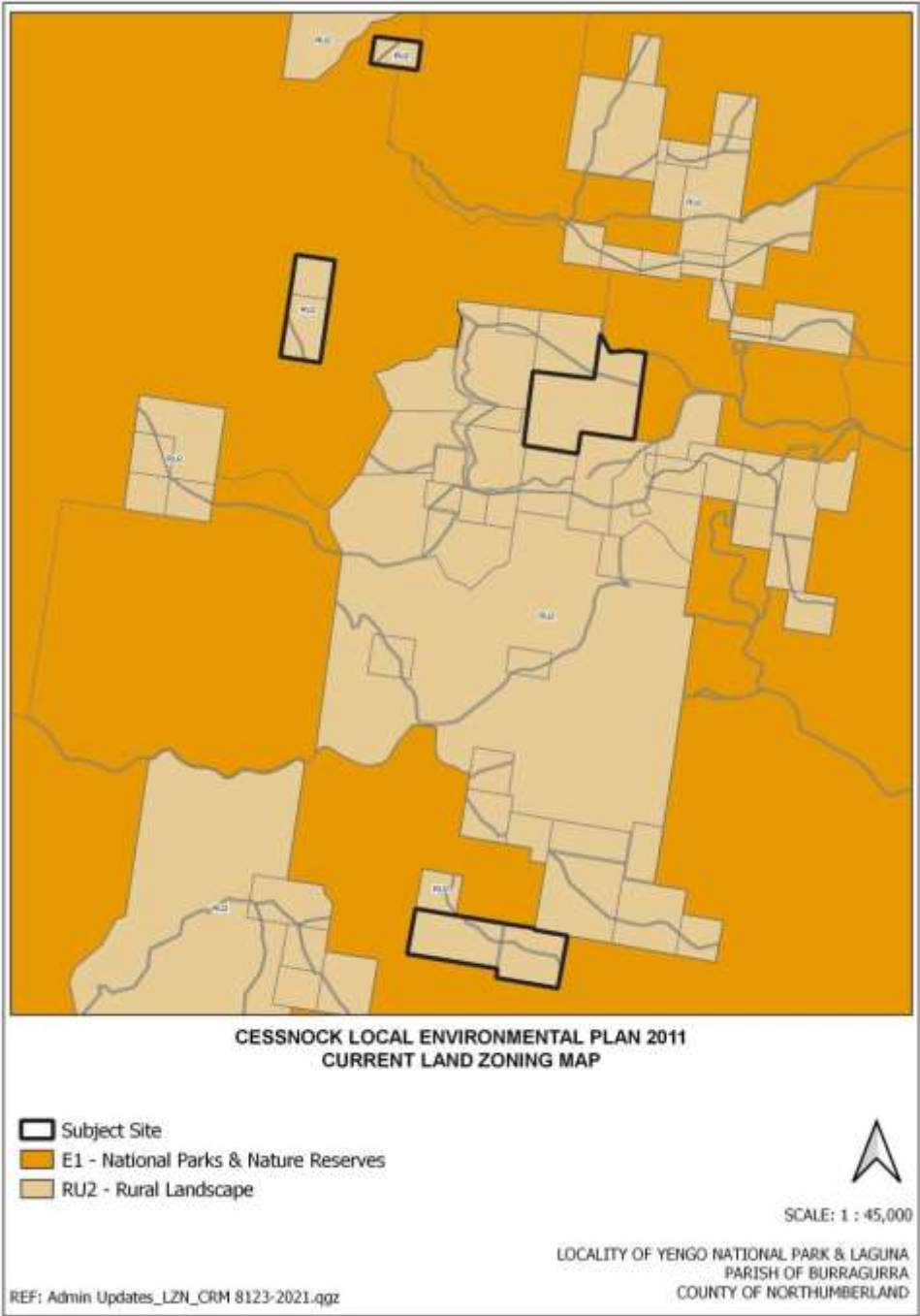
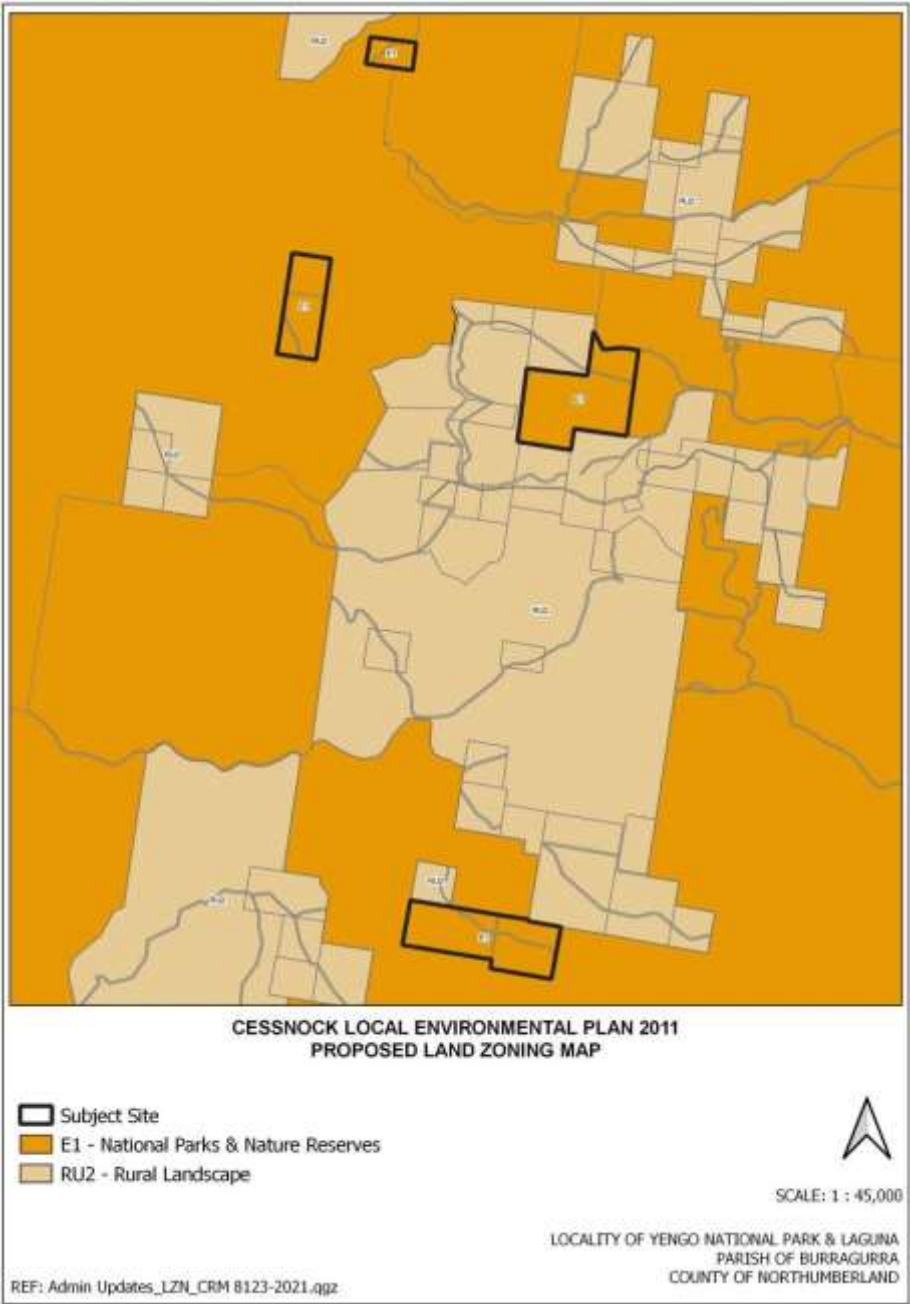


Figure 8: Proposed zoning



Amendment 2 Compensatory habitat for development offset

Address Lot 181 DP 755241, Lot 63 DP 755217, Lot 220 DP 755230

Proposed change Amend the Land Zoning on map sheet LZN 006A, LZN 006B, and LZN 007 to zone the above properties RU3 Forestry from RU2 Rural Landscape

Amend the Minimum Lot Size on map sheet LSZ 006A, LZN 006B and LZN 007 to apply a minimum lot size of 200ha to the above properties.

Justification The Office of Environment and Heritage wrote to Council on 2 June 2016 (**Appendix 1**) and advised that the above properties have been acquired by National Parks and Wildlife Service. As such the properties should be zoned RU3 Forestry and have the appropriate minimum lot size applied. The RU3

Forestry zone is consistent with the adjoin land that is also State Forest. The land has been acquired for compensatory habitat for development habitat.

Figure 9: Current lot size

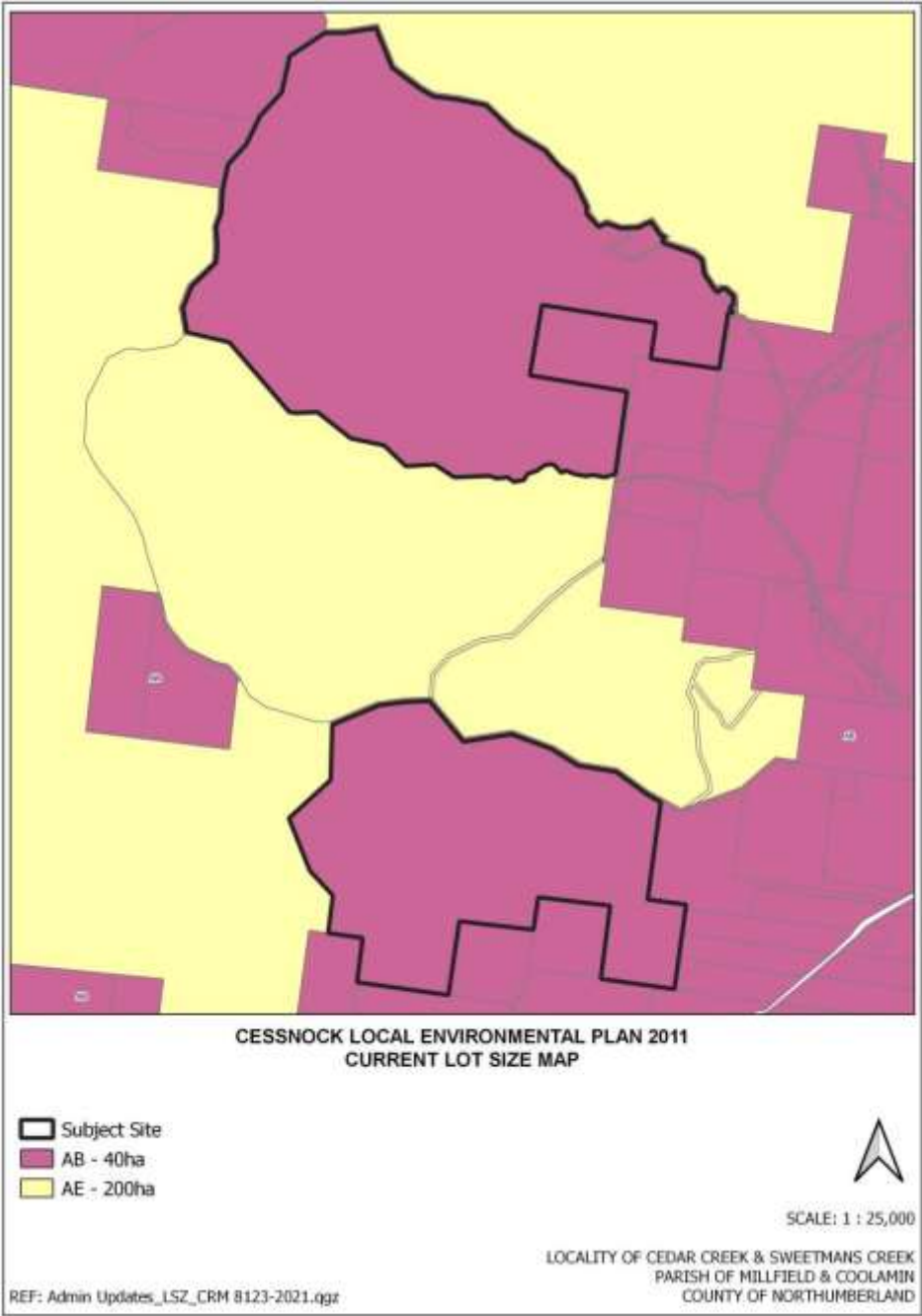


Figure 10: Proposed lot size

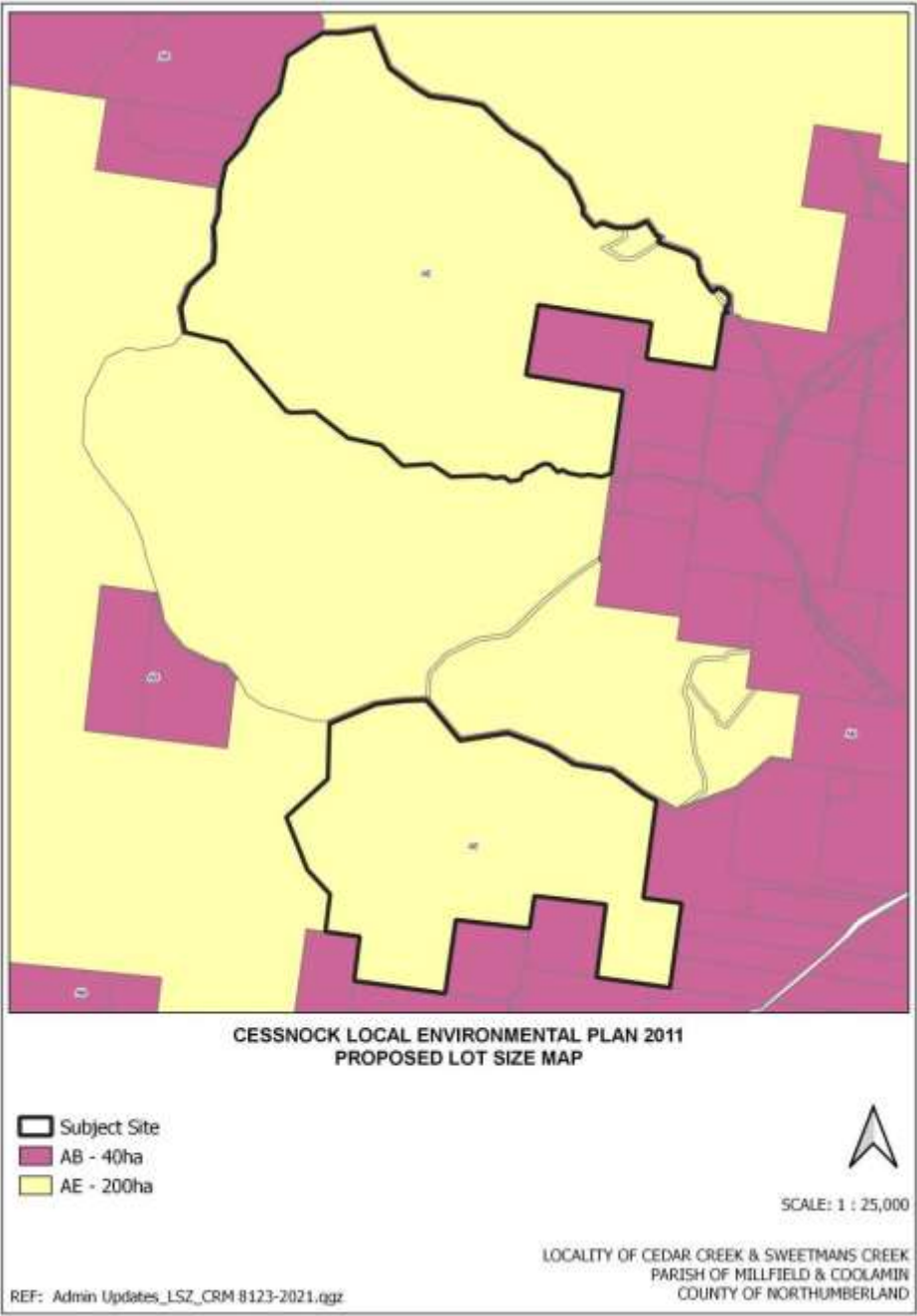


Figure 11: Current zoning

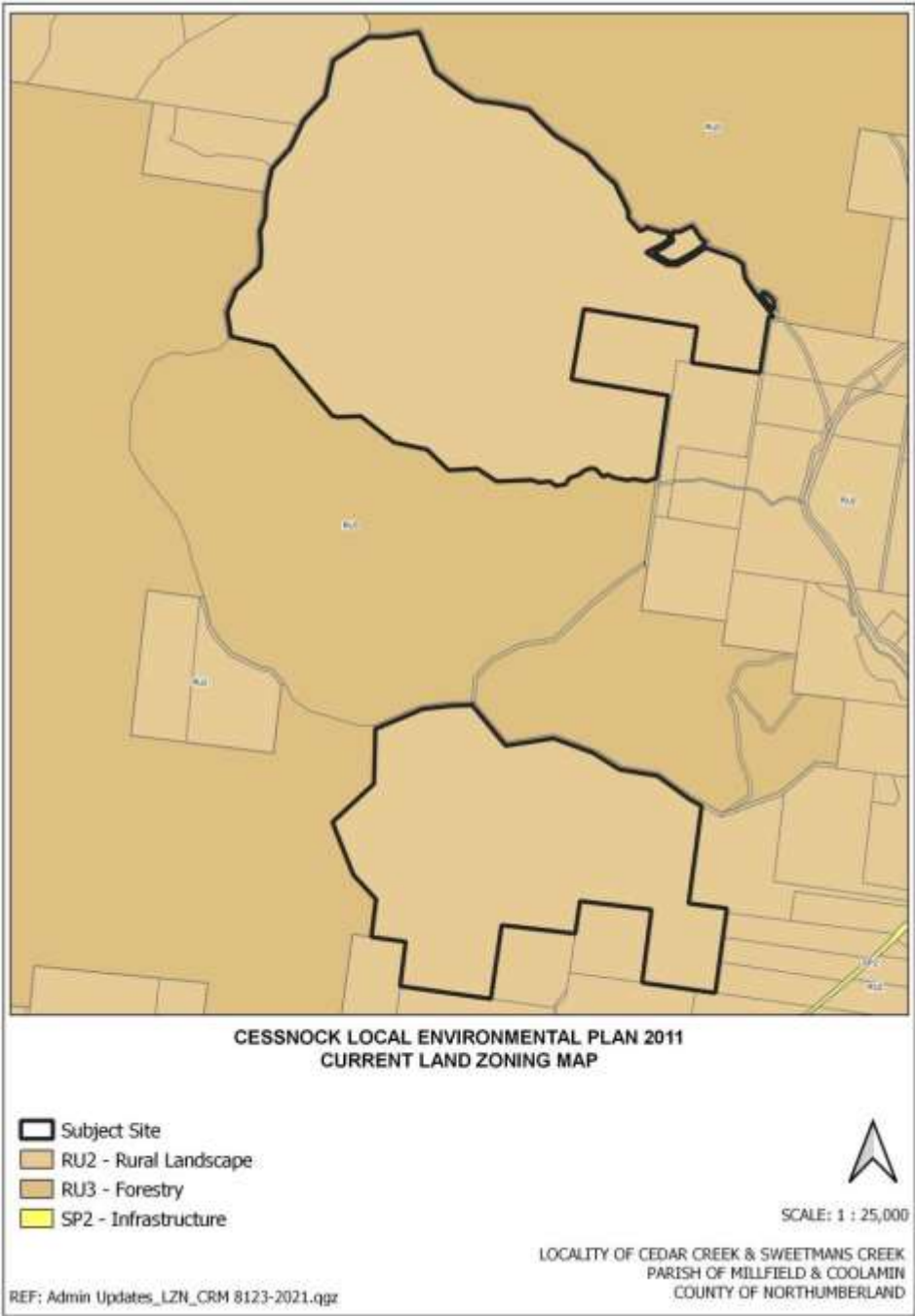


Figure 12: Proposed zoning

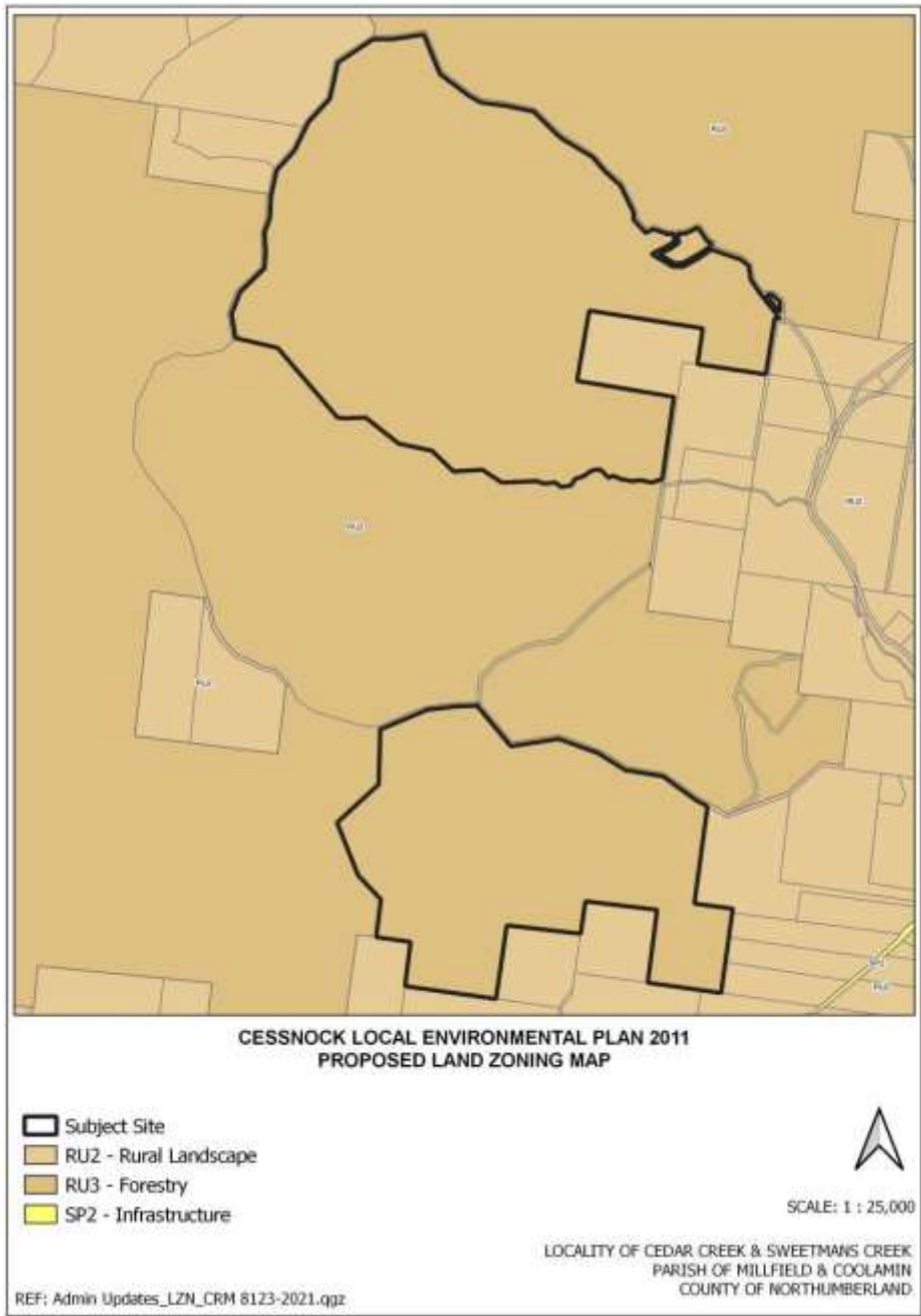


Figure 13: Current lot size

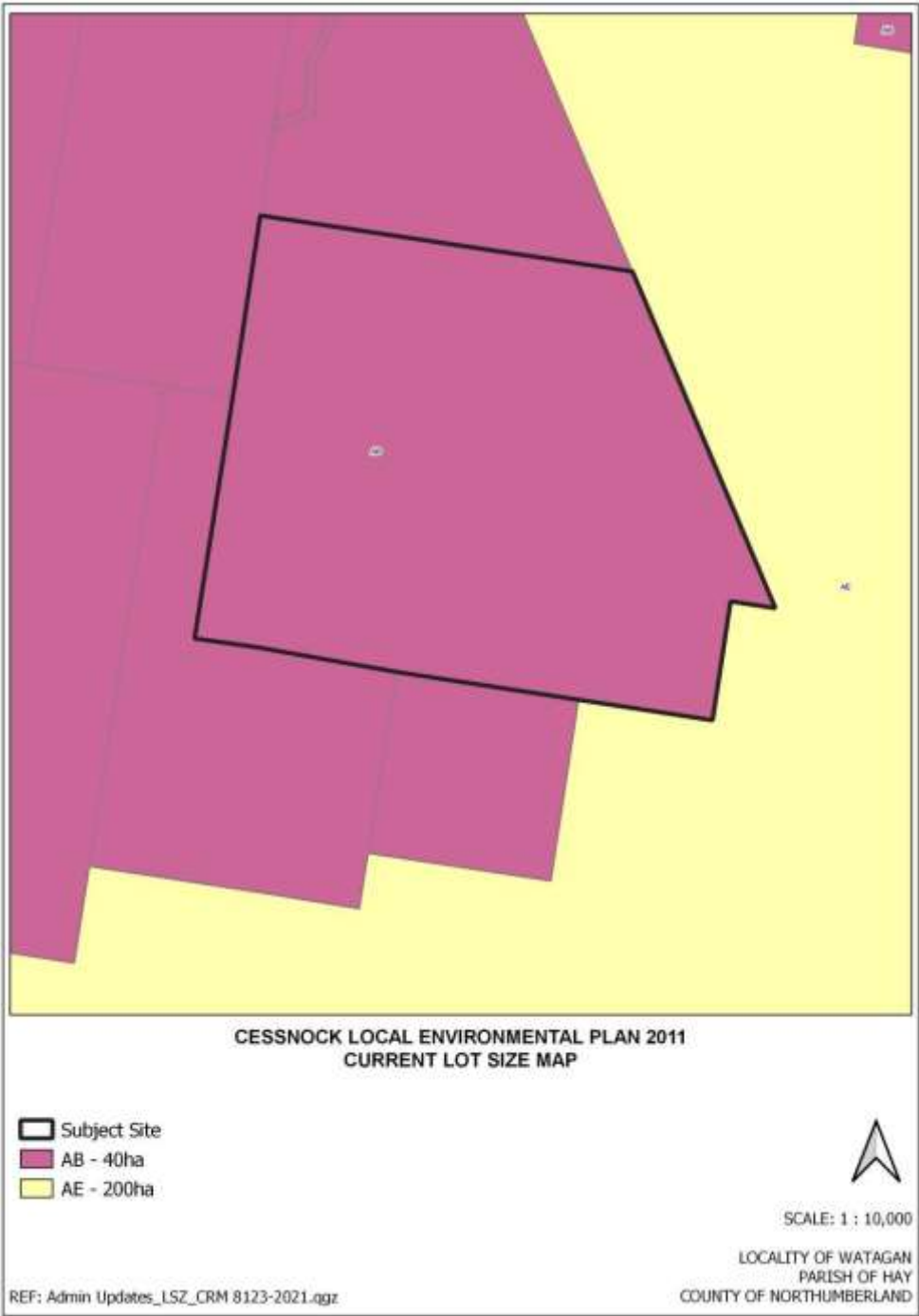


Figure 14: Proposed lot size

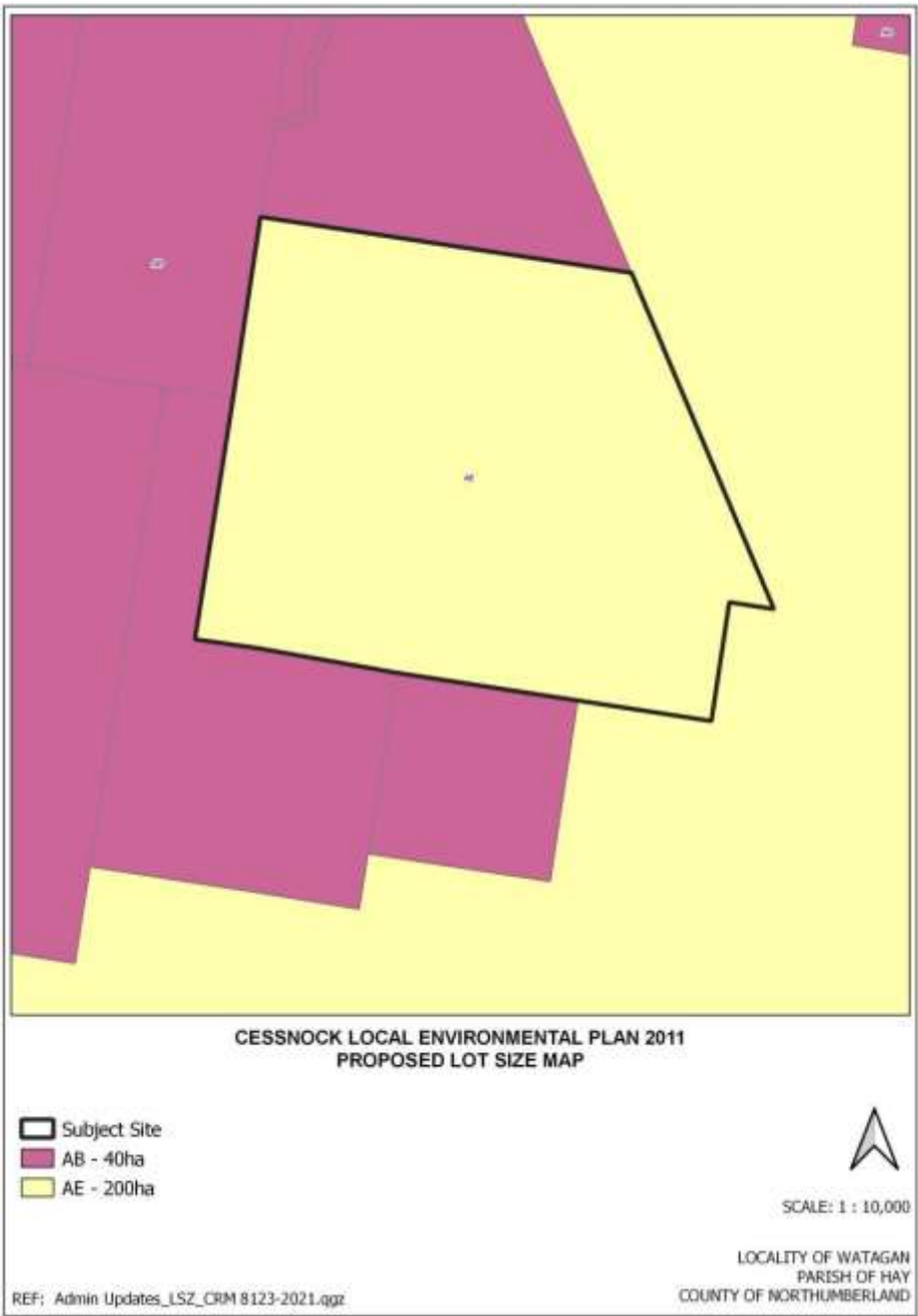


Figure 15: Current zoning

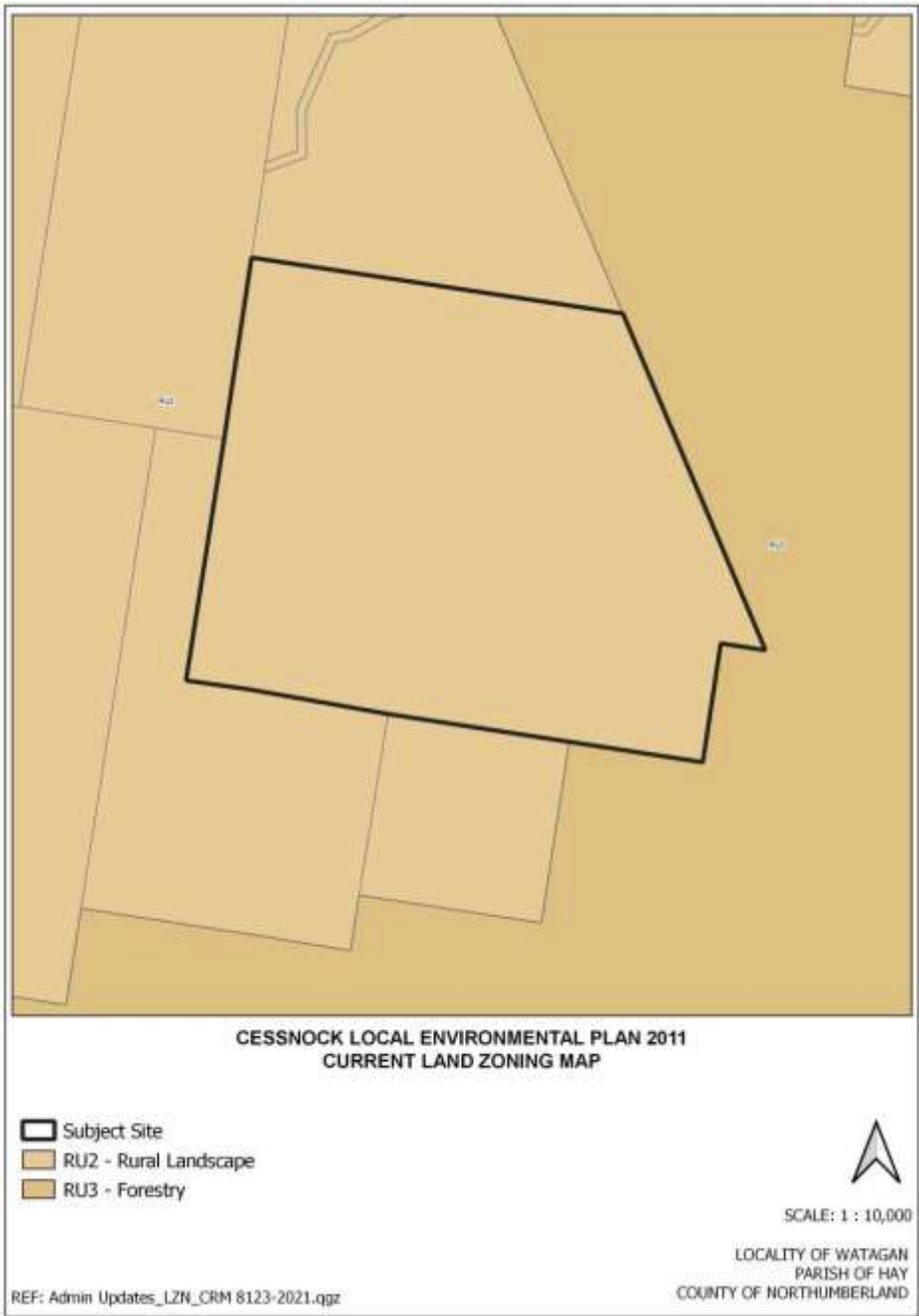
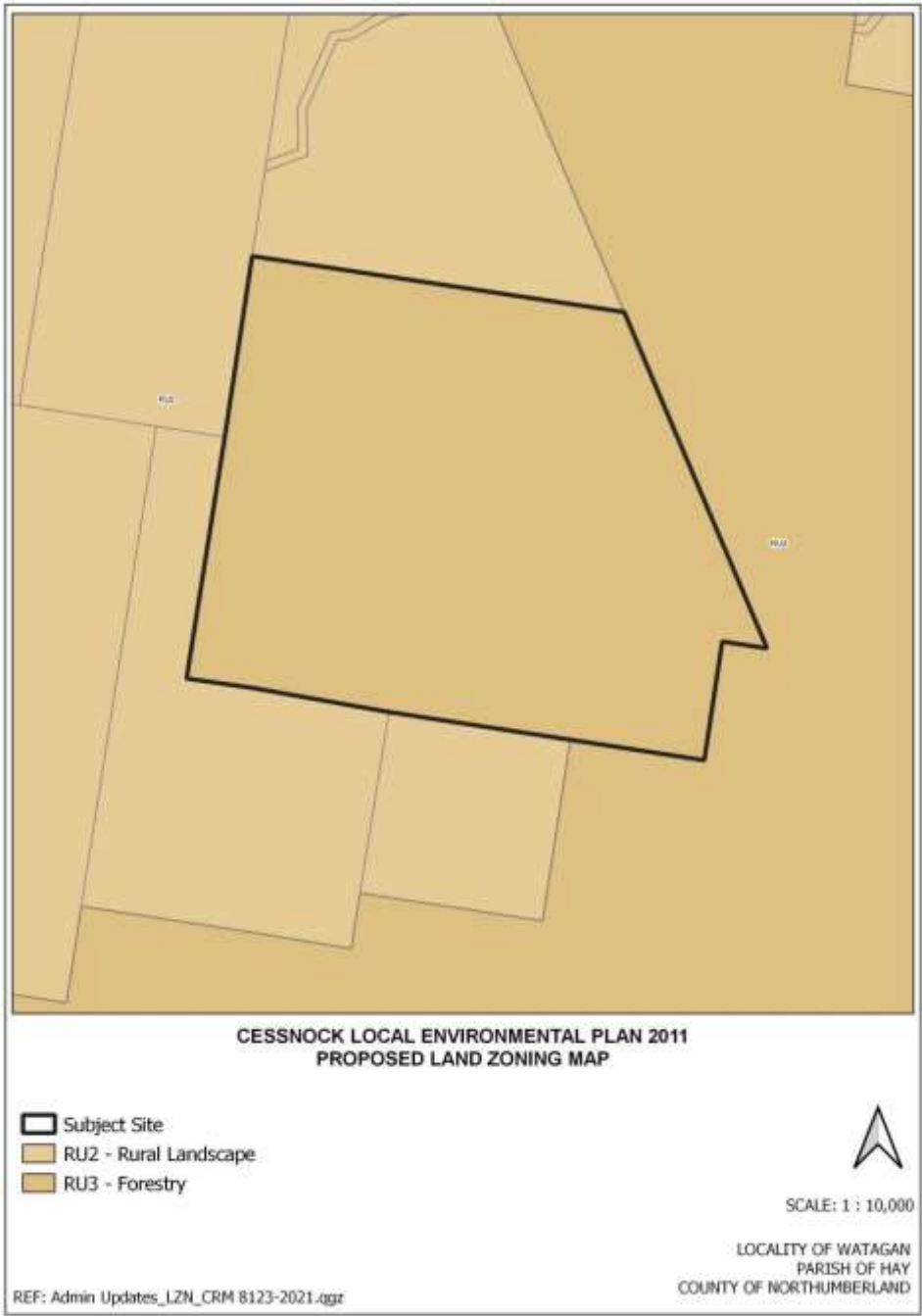


Figure 16: Proposed zoning



Amendment 3 Yango State Forest

Address DP: 755272

PN: 19471

Proposed change Amendment the land zoning on map sheet LZN 003 to E1 National Park and Nature Reserve from RU3 Forestry.

Justification The Office of Environment and Heritage wrote to Council on 10 January 2019 (**Appendix 3**) and advised that the above land had been revoked from Yango State Forest and reserved as a new reserve Yango State Conservation Area. The Land is currently zoned RU3 Forestry and has a minimum lot size of 200ha.

The E1 zoning and minimum lot size is consistent with other state conservation areas in the LGA (i.e. Werakata SCA, Sugarloaf SCA are all zoned E1). The minimum lot size does not need to be amended in this case as the existing 200ha minimum lot size is consistent with other E1 land in the LGA.

Figure 17: Current zoning

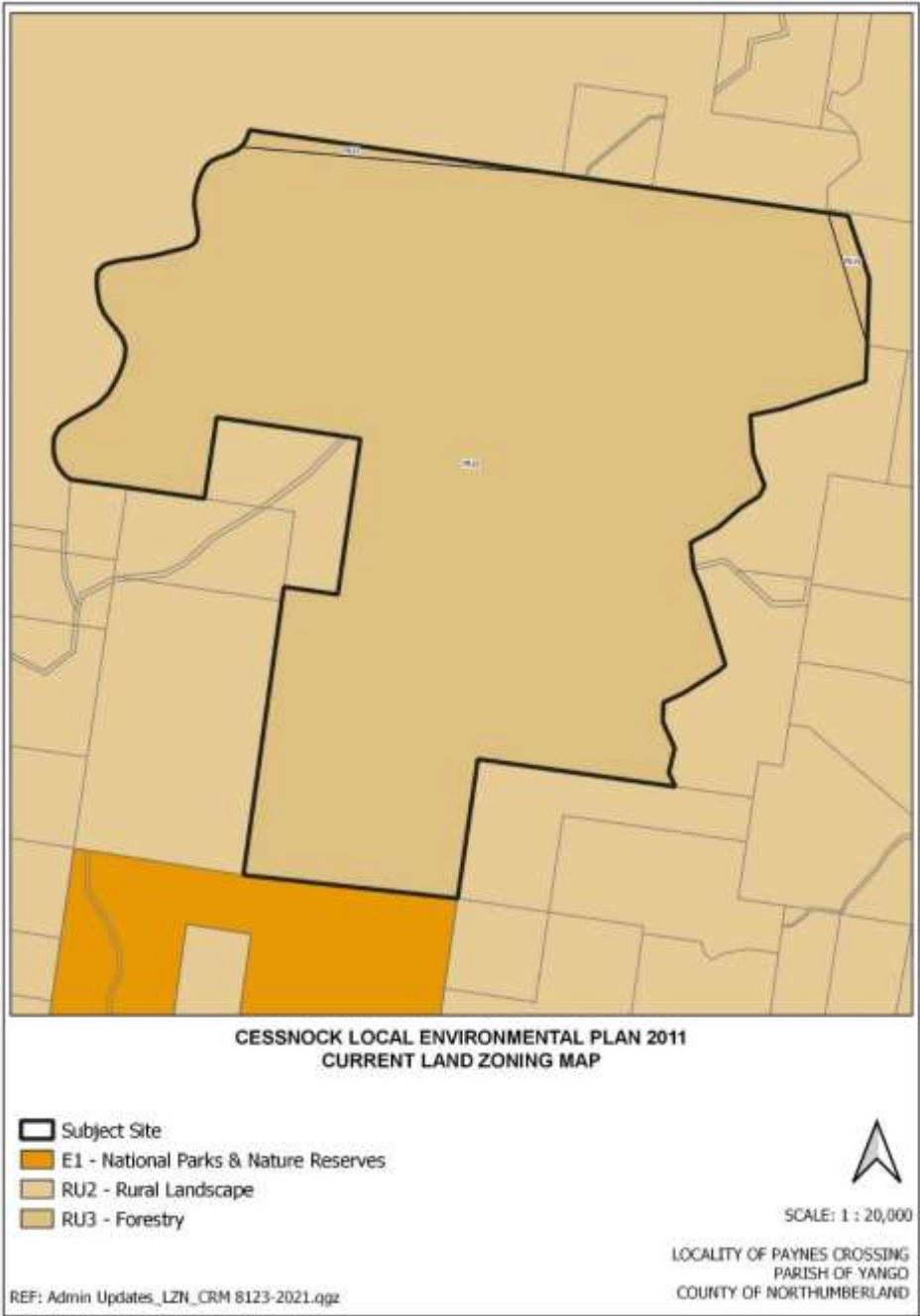
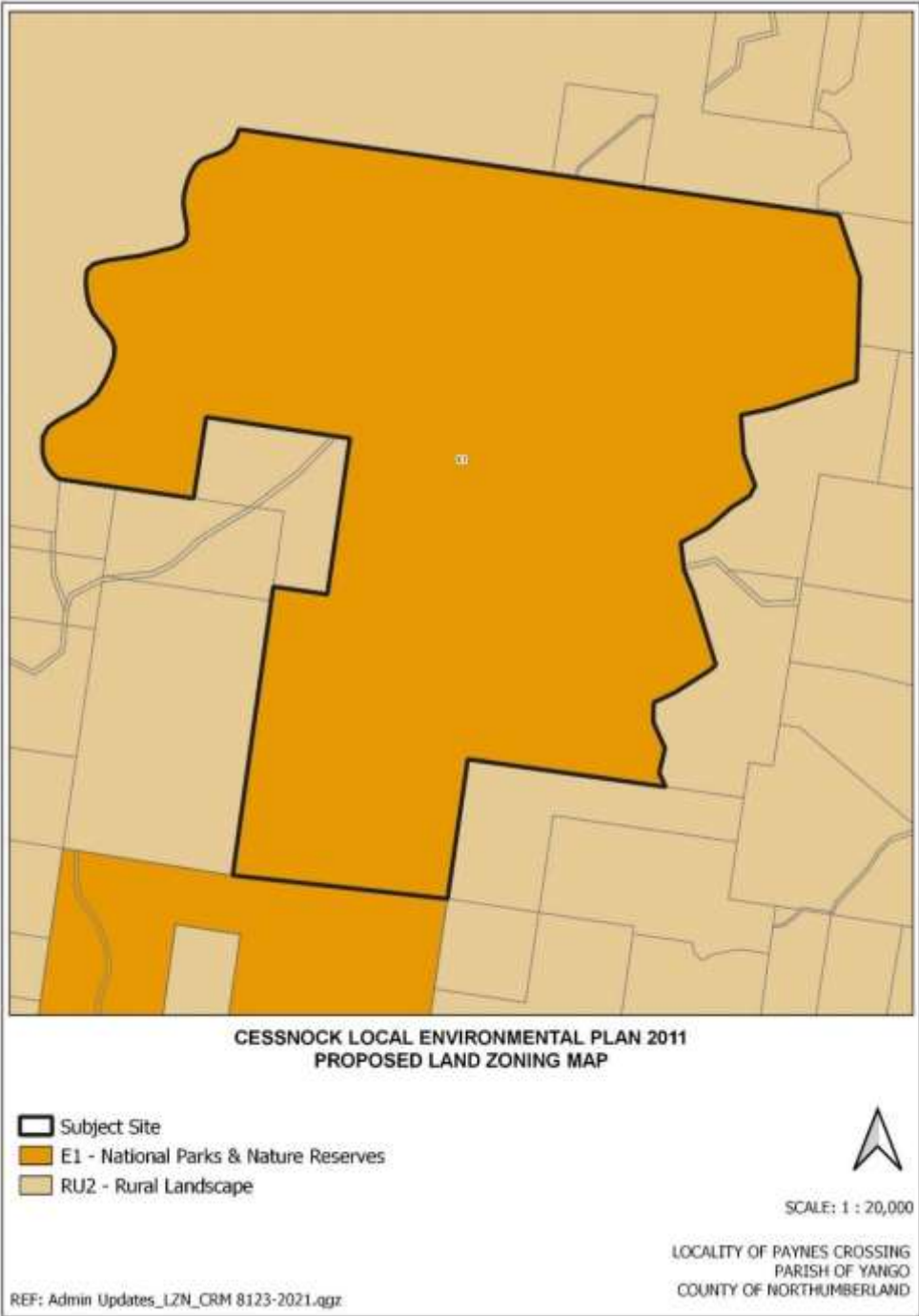


Figure 18: Proposed zoning



Amendment 4 **Cessnock Road Abermain**

Address	Lot 784 DP 755231, Lot 472 DP 755231, Lot 329 DP 755231 Cessnock Road Abermain and 298 Cessnock Road Abermain,
Proposed change	Amend map sheet LZN009A to zone the above properties B1 Neighbourhood Centre
Zone Justification	<p>Lot 784 and 472 are current privately owned; however they are zoned RE1 Public Recreation. The two lots are not used for public recreation purposes. The site has historically been used as a place of public worship with a development application lodged in 1999 and more recently consent for a Community Facility was issued in 2019.</p> <p>Lot 329 is currently a Fire and Rescue Station and is zoned SP2 Infrastructure.</p> <p>To the left of the subject properties is Jefferies Park which is owned by Council and publicly used. It is possible that the Public Recreation zone on Jefferies Park has been incorrectly carried over to the subject lots.</p> <p>The lots on Cessnock Road are directly opposite the Abermain neighbourhood centre and effectively function as the same precinct. Given this, and the current and previous uses, the properties should be rezoned to B1 Neighbourhood Centre, consistent with the commercial properties across the road. The existing B1 zone on Cessnock Road Abermain is approximately 6,500m². This amendment will add approximately 2,280m² of B1 zone to the Cessnock Road Abermain precinct. The fire station is an existing building that is relatively new and 289 Cessnock Road is almost fully occupied by an existing building.</p> <p>Planning Priority 11 in the Cessnock Local Strategic Planning Statement(LSPS) identifies Abermain as a Neighbourhood Centre, a B1 zoning is consistent with this.</p> <p>The B1 zone in the Cessnock LEP does not have a corresponding minimum lot size. As such, no amendment is needed to the minimum lot size.</p>

Figure 19: Current zoning

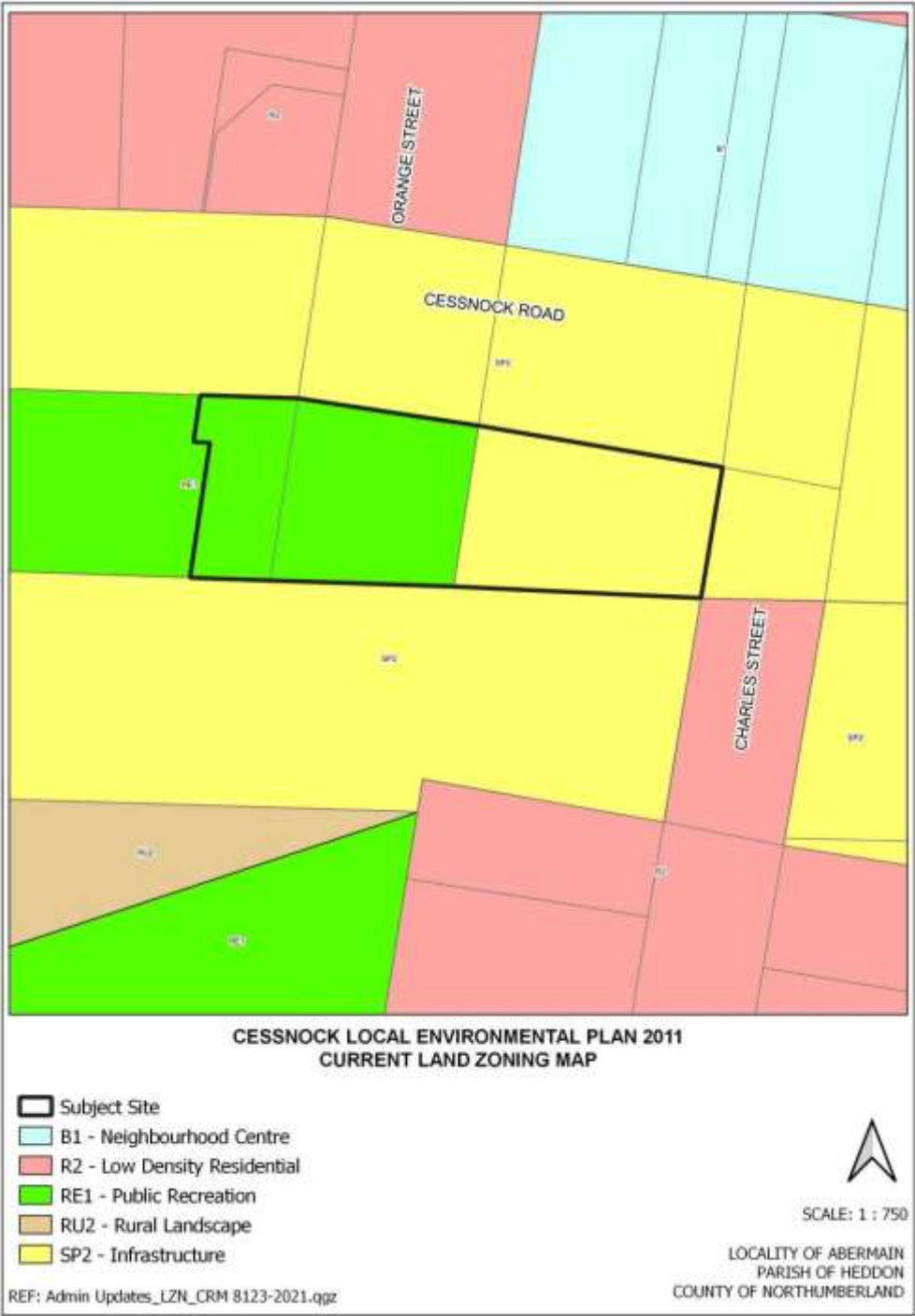
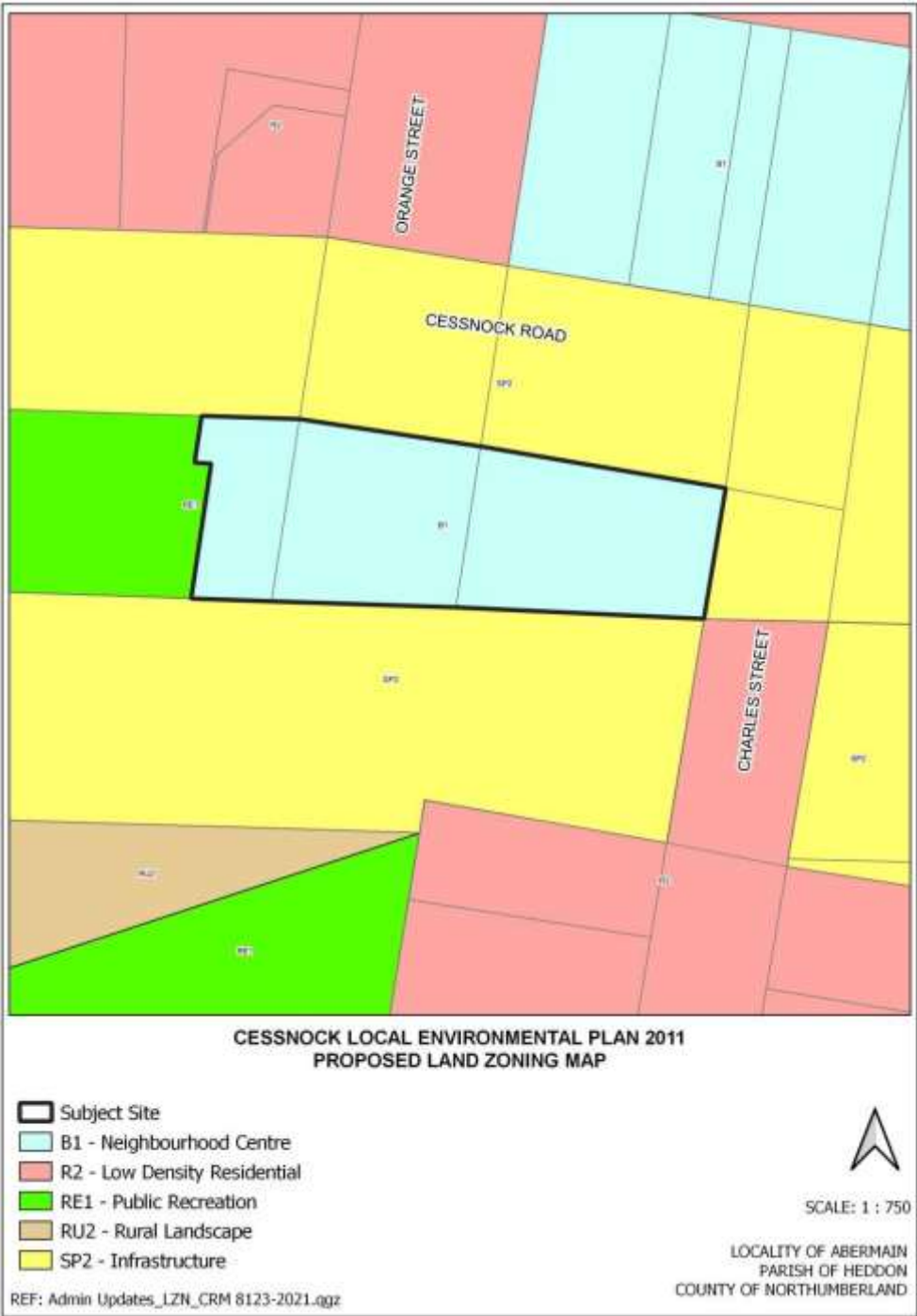


Figure 20: Proposed zoning



Amendment 5 Realignment of zoning and cadastre at North Rothbury

Address Lot 10 DP 1137569, Lot 26 and 27 DP 879254

Proposed change Amendment to map sheet LZN_005B to rezone part of Lot 10 DP 1137569 from R5 to RU2 and amend map sheet LZN_005B to rezone all of Lot 26 and 27 DP 879254 to R5.

Justification There is an error in the alignment of a portion of RU2 land and the cadastar at North Rothbury.

The RU2 portion of land is currently located on Lot 26 and 27 DP 879254. Going off the shape of the RU2 portion of land and the lot size map it appears that the RU2 portion of land should be on Lot 10 DP 1137569.

Lot 26 and 27 DP 879254 are privately owned and contain dwelling houses.

The lot size map is correct and no amendment is needed to this.

Figure 21: Current zoning

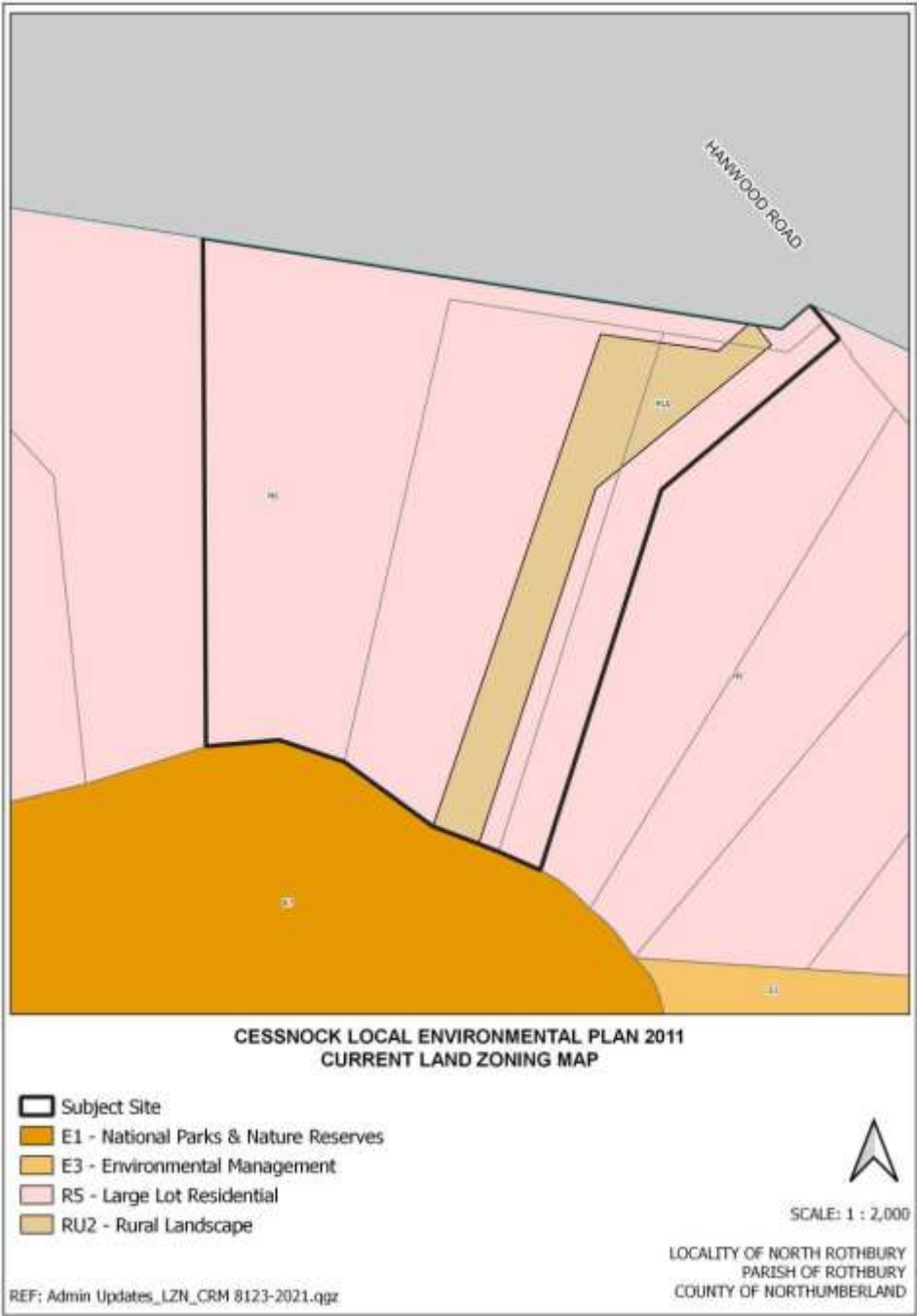
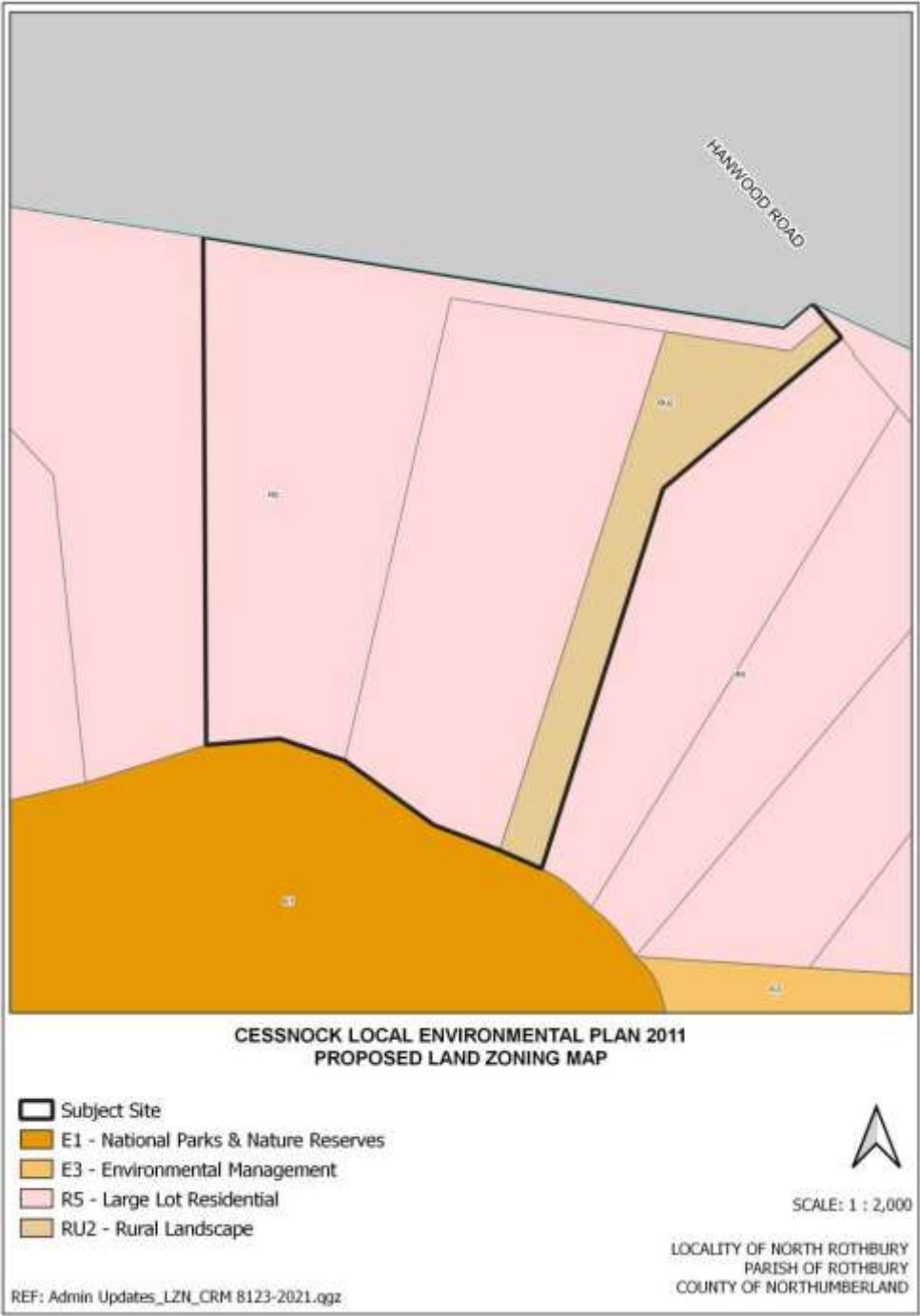


Figure 22: Proposed zoning



Amendment 6

Paynes Crossing - Two Storey House

Address

80 Stockyard Creek Road Payne's Crossing

LOT: 131 DP: 1213509

**Proposed
change**

Amendment to Schedule 5 and associated map:

Amend the property description in schedule 5 for Heritage Item I163 from Lot 13 DP 755272 to Lot 131 DP 1213509

Amend Map Sheet HER_003 to show all of Lot 131 DP 1213509 as affected by Heritage Item I163.

Amend Map Sheet HER_003 to show Lot 133 DP 1213509 and Lot 132 DP 1213509 as NOT being affected by a Heritage Item.

Justification

Schedule 5 of the Cessnock LEP lists heritage Item I163 Two Storey House as being located at 80 Stockyard Creek Road Paynes Crossing, Lot 13 DP 755272. In 2005 a subdivision was approved to subdivide 80 Stockyard Creek Road into 3 properties. 76 (Lot 133 DP 1213509) and 78 (Lot 132 DP 1213509) Stockyard Creek Road were created in the subdivision and the lot and DP for 80 Stockyard Creek Road was amended.

Councils Heritage Advisor attended the site in October 2018 and advised that the item of heritage significance (the Two storey house) is solely located on 80 Stockyard Creek Road. The newly created 76 and 78 Stockyard Creek Road do not contain any heritage items and are visually separated from number 80 due to the distance and topography.

The Heritage Inventory sheet for Heritage Item I163 is located in **Appendix 4**.

Figure 23: Current heritage mapping

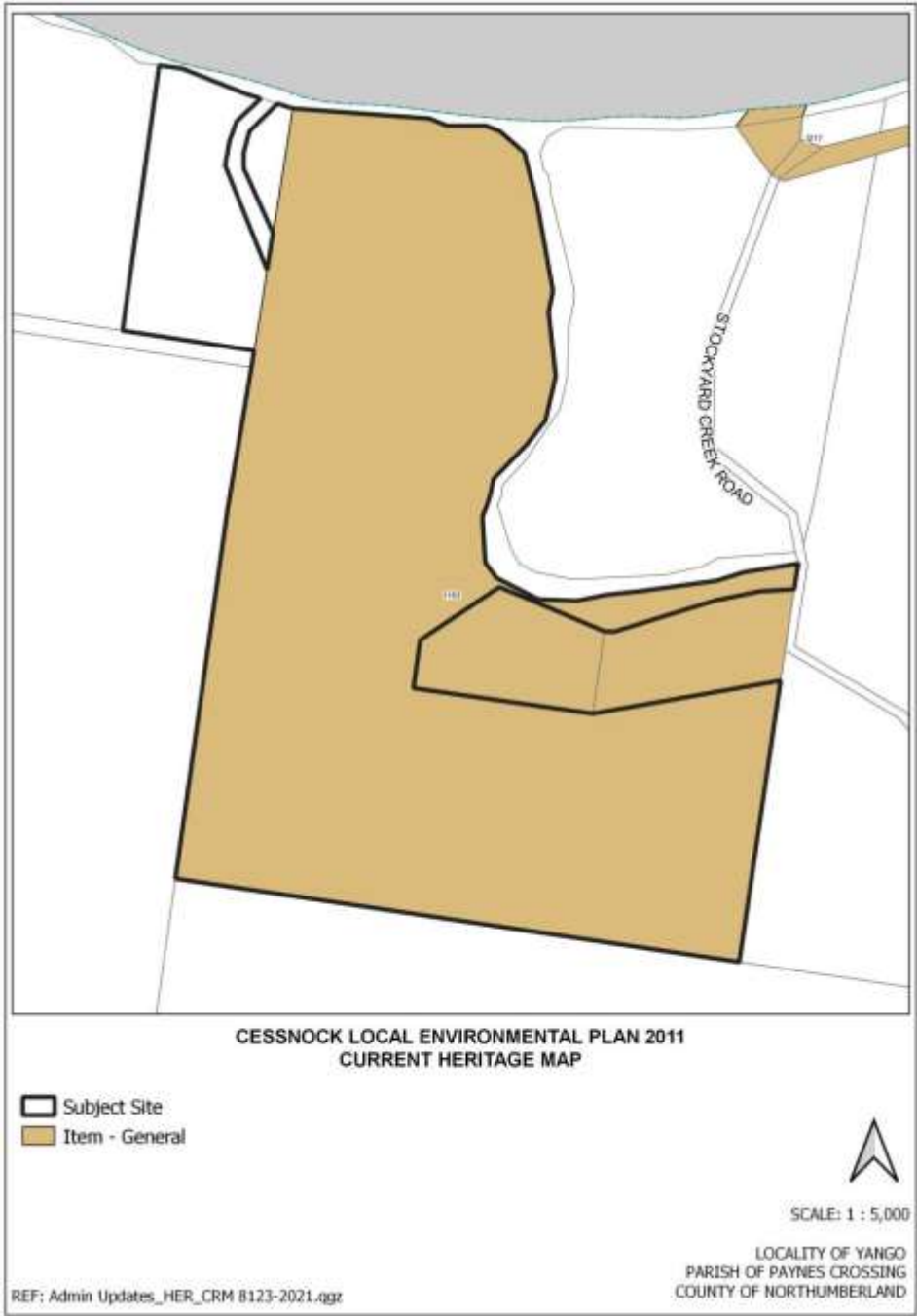
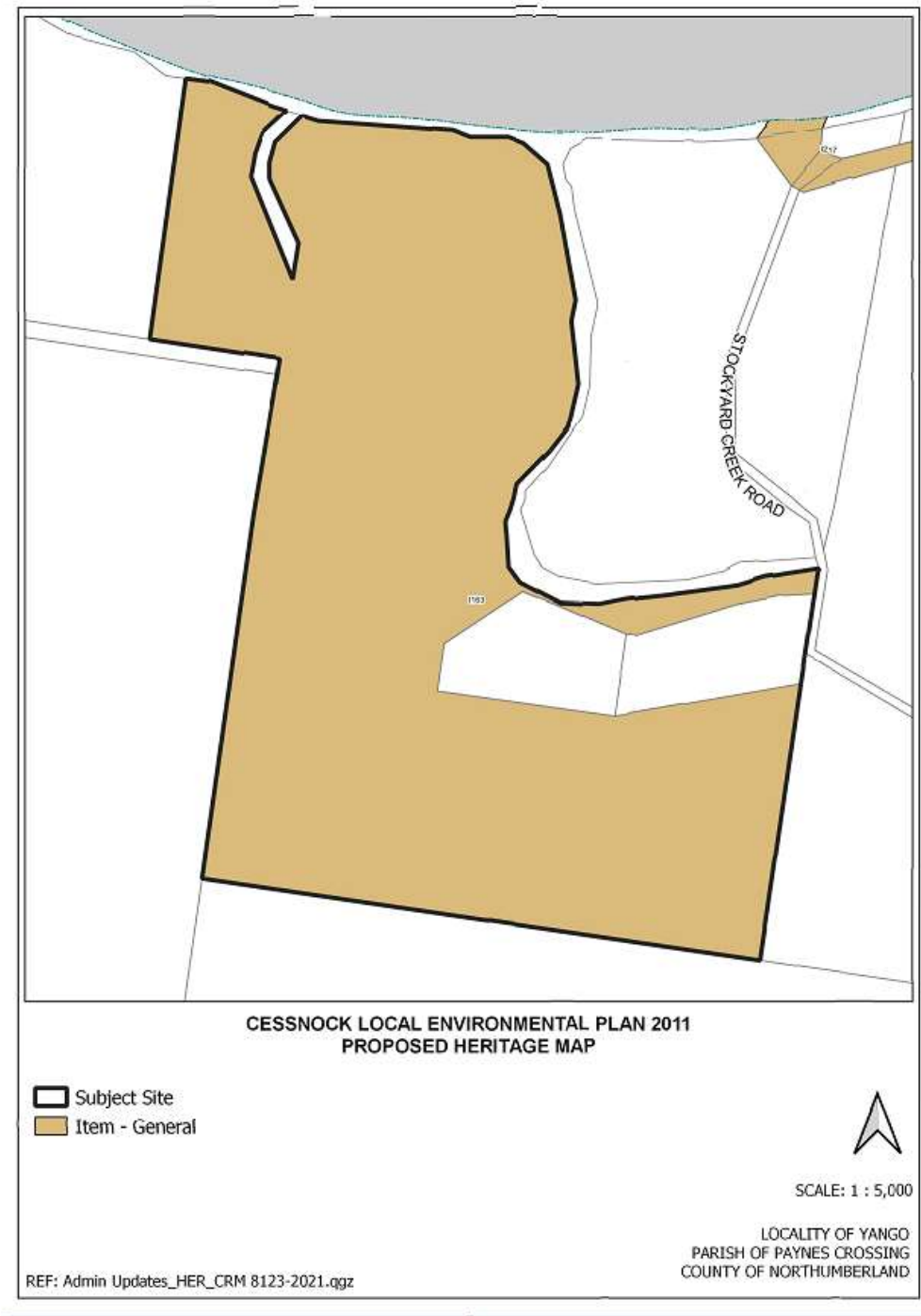


Figure 24: Proposed heritage mapping



Amendment Z Wollombi Cottage

Address	2881 and 2881A Wollombi Road, Wollombi LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787
Proposed change	Amendment to schedule 5 and associated map: Amend property address from 2883 Wollombi Road Wollombi to 2881 and 2881A Wollombi Road Wollombi Amend lot and DP from Lot 6, Section 1, DP 759103 to LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787 Amend Map Sheet HER_006B to show all of LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787 as affected by Heritage Item 1203
Justification	Schedule 5 of the Cessnock LEP lists Heritage Item 203 Wollombi Cottage at 2883 Wollombi Road Wollombi, Lot 6, Section 1, DP 759103. The Heritage Inventory sheet (Appendix 5) mentions the significance of the cottage, a water well and gravestone on the property. A subdivision in 2008 resulted in a different lot and DP for the property. Council's Heritage Advisor has confirmed that Lot 671 (the front allotment) contains the listed cottage and associated outbuildings, and, Lot 672 (the rear allotment) contains a grave site. Therefore both lots should be listed as Heritage items. Map sheet HER_006B currently shows half of both LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787 being heritage listed. The map sheet should be amended to include all of LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787 The correct lot and DP that should be listed in the LEP is LOT: 671 DP: 1201787 and LOT: 672 DP: 1201787 and property address of 2881 and 2991A Wollombi Road Wollombi.

Figure 25: Current heritage mapping

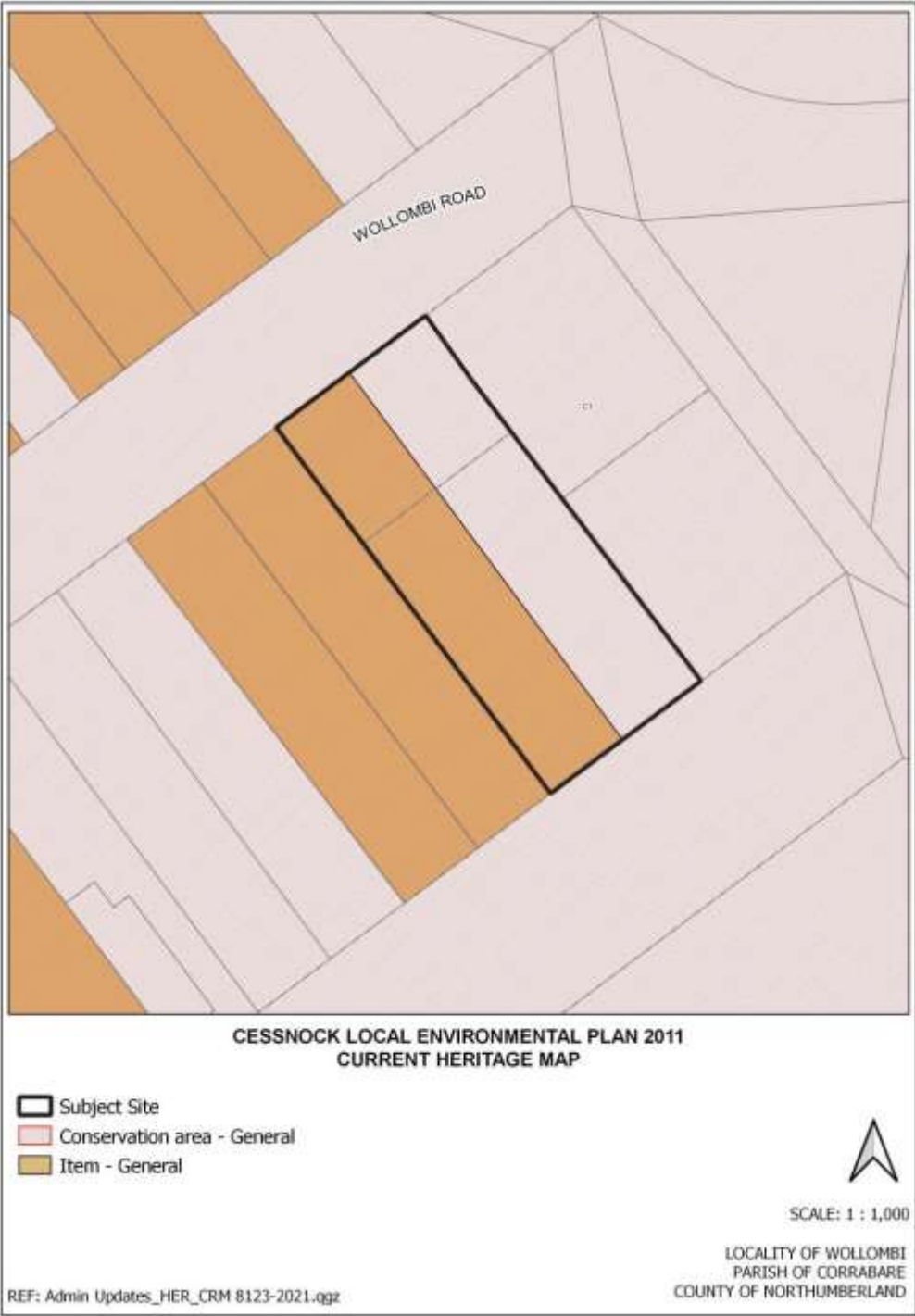
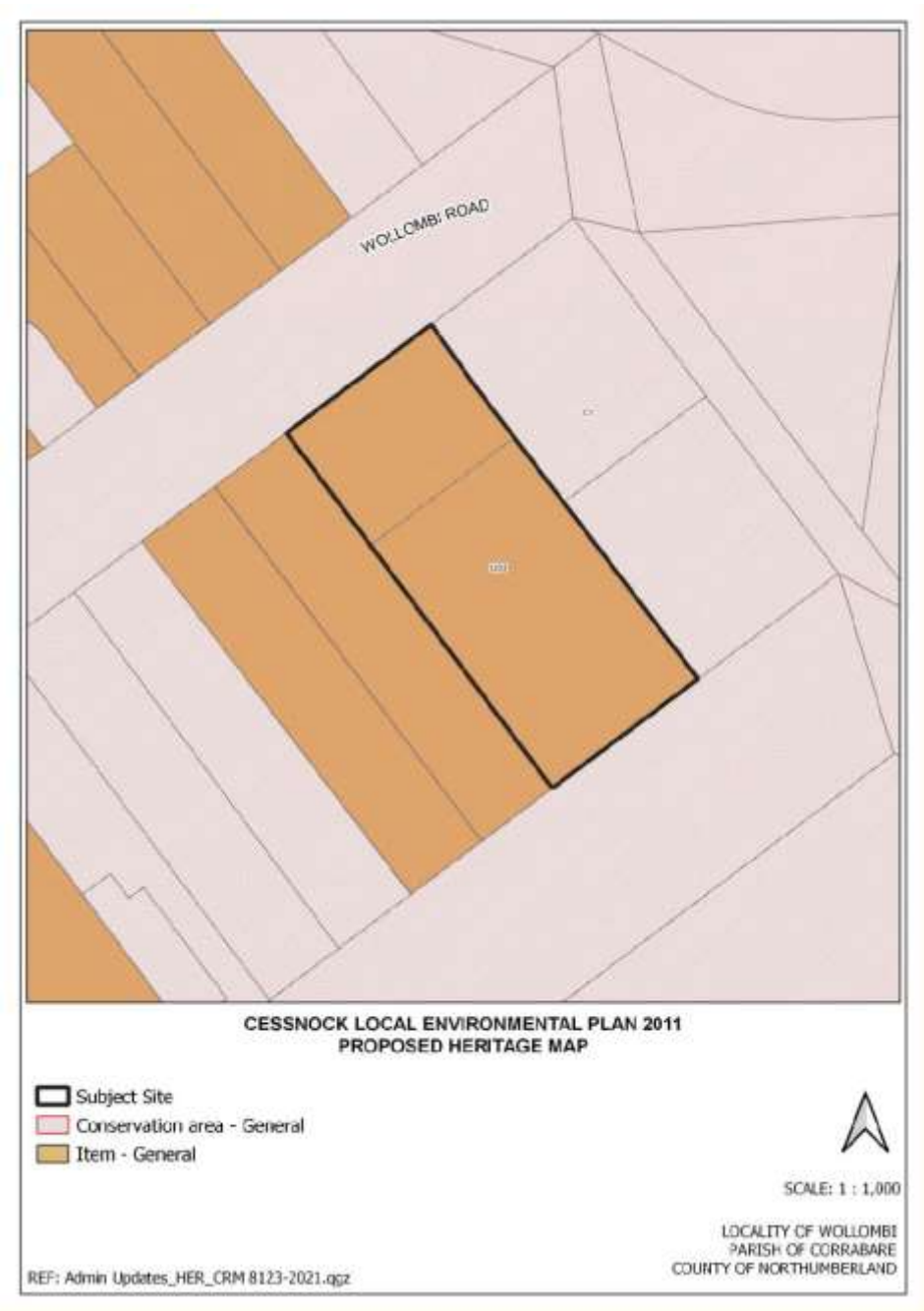


Figure 26: Proposed heritage map



<u>Amendment 8</u>	St Patricks Roman Catholic Church
Address	2 Kerlew Street Nulkaba LOT: 101 DP: 1162970 67 Wine Country Drive Nulkaba LOT: 1 DP: 662149
Proposed change	Amend Maps Sheet HER_006C to show heritage Item I158 on Lot: 101 DP: 1162970, 2 Kerlew Street Nulkaba Amend Map Sheet HER_006C to remove lot 1 DP 662149, 67 WineCountry Drive as being identified as a heritage item. Amend the address and property description in schedule 5 to show heritage Item I 158 at 2 Kerlew Street Nulkaba, property description Lot 101 DP 1162970
Justification	Heritage Item I158 St Patricks Roman Catholic church is listed in schedule 5 of the CLEP as being on Lot 1 DP 662149, 67 Wine Country Drive Nulkaba. The map sheet also shows the heritage item on LOT: 1 DP: 662149 (67 Wine Country Drive Nulkaba). This is incorrect and St Patricks Roman Catholic Church is located on Lot 101 DP 1162970, 2 Kerlew Street Nulkaba.

Figure 27: Current heritage map

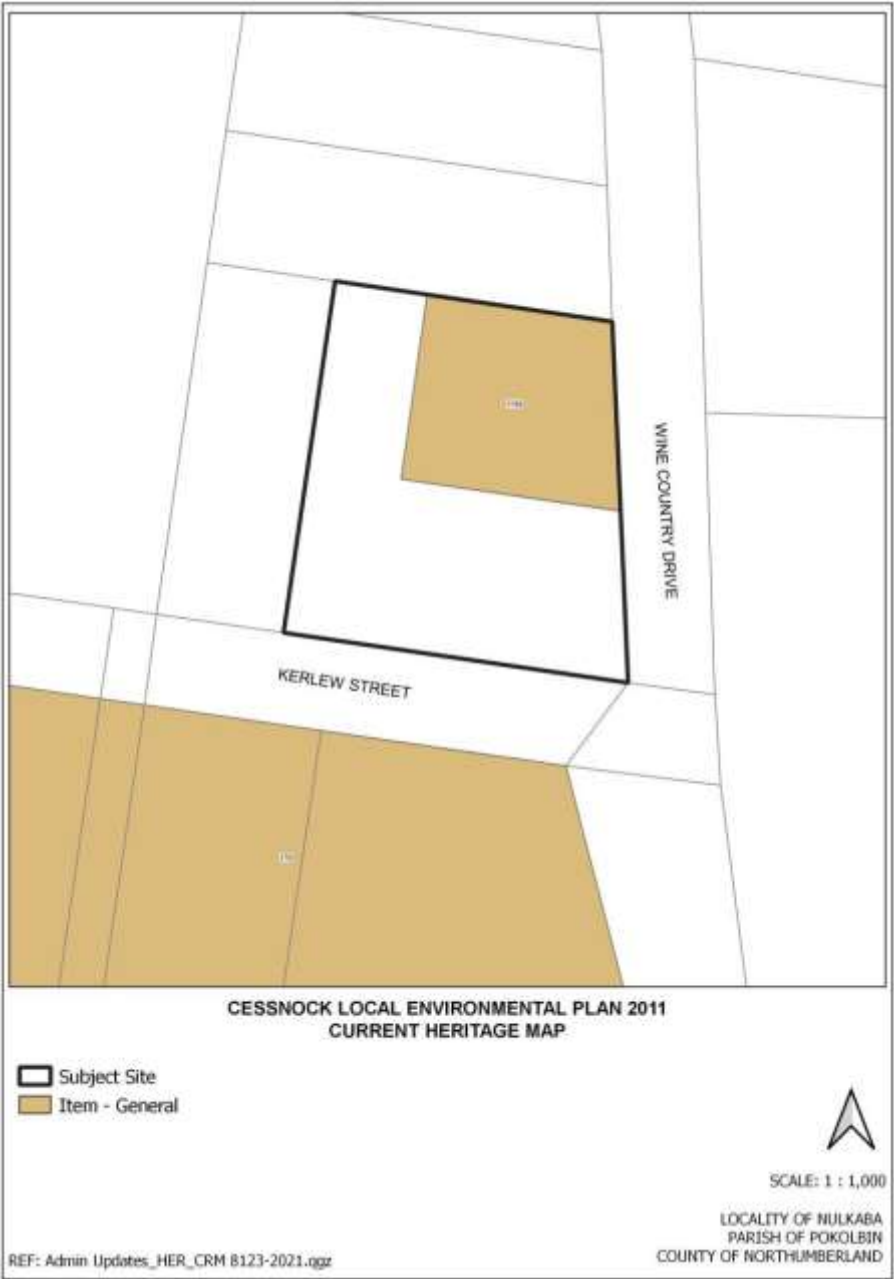
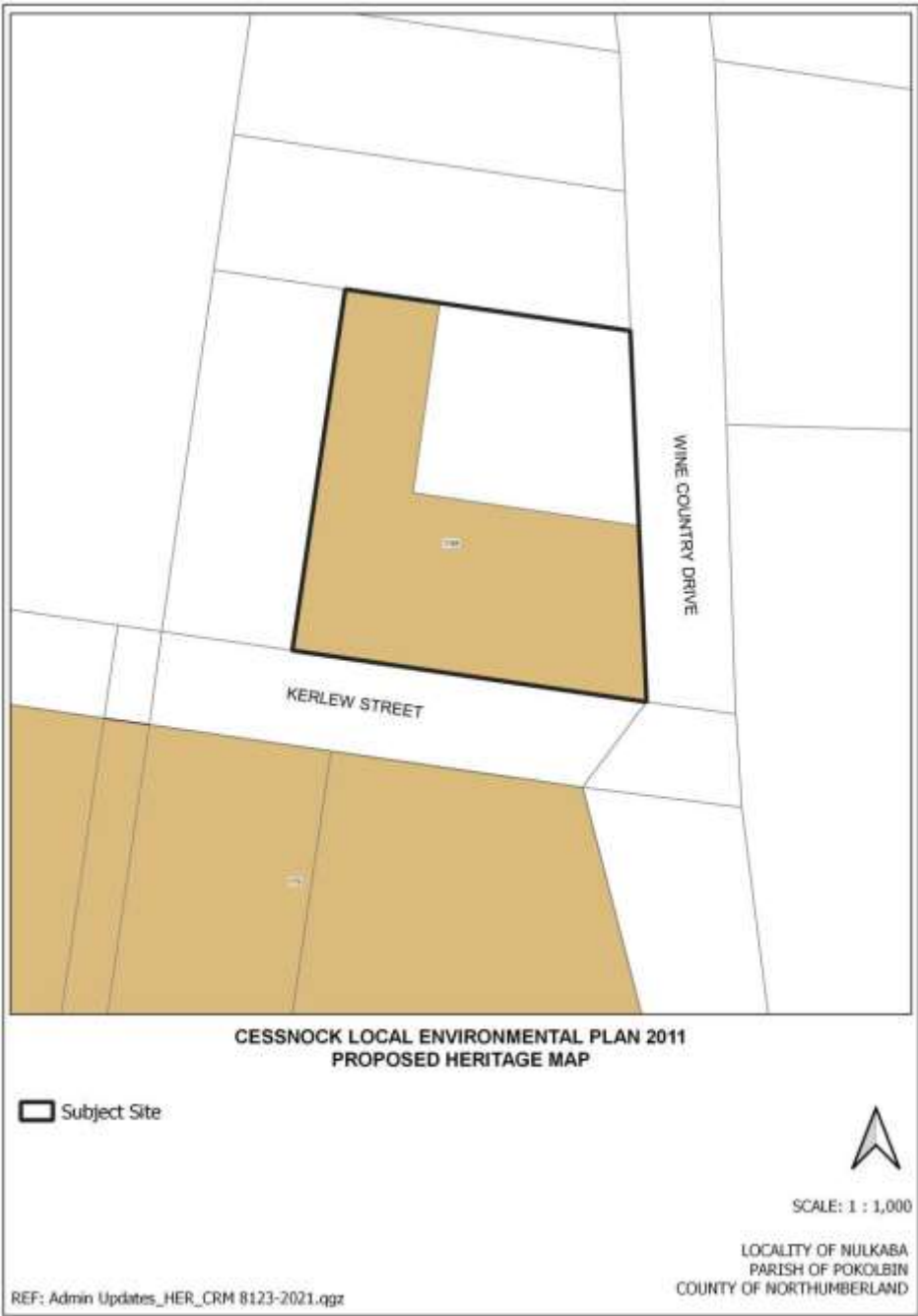


Figure 28: Proposed Heritage map



<u>Amendment 9</u>	Additional local provisions at 1026 Lovedale Road Allendale
Address	Lot 201 DP 1099068 and Lot 165 DP 755204 1026 Lovedale Road Allendale
Proposed change	<p>Amend Part 7 additional local provisions of the Cessnock LEP to insert the following clause:</p> <p><i>7.17 Subdivision of land at 1026 Lovedale Road, Allendale.</i> <i>(1) This clause applies to Lot 201 DP 1099068 and Lot 165 DP 755204, being 1026 Lovedale Road, Allendale</i> <i>(2) Development consent may be granted to a subdivision that results in that part of Lot 201 DP1099068 that is north of the Hunter Expressway becoming a separate lot provided the residue of Lot 201 DP 1099068 is consolidated with Lot 165 DP 755204.</i></p>
Justification	<p>Lot 201 DP 1099068 has be dissected by the Hunter Expressway corridor (HEX) and is physically separated as two parcels of land with a total area of 59.42ha. The adjoining lot 165 DP 755204 is in the same ownership and has an area of 32.3ha.</p> <p>The additional local clause use will allow lot amalgamation/subdivision to create one lot at the south of the HEX of approximately 59.44ha and one to the north of the HEX of approximately 32.96ha.</p> <p>Legal advice has confirmed that the following planning mechanisms do not allow for subdivision or amalgamation of the dissected lot:</p> <ul style="list-style-type: none">• Cessnock LEP Clause 4.6 – Exceptions to development standards, as the envisaged re-alignment would result in a lot that exceeds the minimum 10% variation allowance;• SEPP Exempt & Complying Development – re-alignment of boundaries, as the subdivision would potentially increase the opportunity for erecting additional dwellings on the southernlot; and• Clause 9 of SEPP Rural Lands, as the subdivision would result in an undersized lot (northern lot) with an existing dwelling. <p>Additional mechanisms have been investigated by Council but have been found to be unviable:</p> <ul style="list-style-type: none">• The subject site can not be subdivided under Clause 4.1 as one of the resulting lot will be below the minimum lot size. As such this can not be used.• 4.2 of the LEP allows subdivision for the purposes of primary production to create a lot that is less than the minimum lot size, but the undersize lot cannot have an existing dwelling on it. As such this can not be used.• 4.2 cannot be used because a dwelling already exists on the property• Clause 4.2C of the LEP allows boundary adjustments that will create a lot that is undersize, but only if the subdivision will not create additional lots or the opportunity for additional dwellings. The Southern Lot will be over 40ha and the subdivision will therefore create an additional dwelling entitlement on that lot. As such this can not be used.



<u>Amendment 10</u>	Inclusion of Plant Nursery as permitted with consent in the RU2 Primary Production zone
Address	LGA Wide
Proposed change	Amend the land use table to Insert 'Plant nursery' as permitted with consent in the RU2 Primary Production zone.
Justification	<p><i>plant nursery</i> means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.</p> <p>Plant nursery is currently prohibited in the RU2 Primary production zone. It is considered that the permissibility of a plant nursery is consistent with the objectives of the RU2 zone. The permissibility of plan nurseries will also increase employment opportunities in the LGA.</p> <p>Allowing plant nursery's as permissible with consent will create consistency within the RU2 Primary Production zone in neighbouring local government areas including Maitland City Council and Singleton Council.</p> <p>The objectives of the RU2 zone are:</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none">• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.• To maintain the rural landscape character of the land.• To provide for a range of compatible land uses, including extensive agriculture.• To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.• To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.• To maintain and enhance the scenic character of the land.• To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.• To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.• To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.• To ensure development does not intrude into the skyline when viewed from a road or other public place.

Amendment 11 Amendment to clause 4.2A

Address LGA Wide

Proposed change Amend clause 4.2A to

- remove the word 'residential' from the heading
- delete clause 4.2A (2(c)) '*Zone R5 Large Lot Residential*'
- renumber clause 4.2A (2) accordingly.

Justification The objective of clause 4.2A is to minimise unplanned rural residential development. Given that R5 Large Lot Residential is a residential zone it is expected that a dwelling would be constructed on the land. The R5 Large Lot Residential zone is predominantly located at villages such as Elrington, Nulkaba, Abermain, Greta, Millfield, Kearsley, Paxton, Mulbring and a small area near Huntlee/North Rothbury. The R5 zone has various minimum lot sizes. The majority of the R5 land has a minimum lot size of 2000m² however other areas have a minimum lot size of 4ha.

The clause will continue to apply to the RU2 Rural Landscaped, RU4 primary Production Small Lot, E2 Environmental Conservation and E3 Environmental Management zones. Applying the clause to these zones will minimise unplanned rural residential development, which is the intent of the clause.

Part 3: Justification

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1 Resulting from a Strategic Study or Report

Amendment 1, 2 and 3 are the result of land being acquired by the Office of Environment and Heritage (OEH). OEH have notified Council that the land has been acquired and consequently the land should be rezoned.

The remaining amendments are not the result of a strategic study or report. These amendments have been noticed over time. Some of the amendments are the result of subdivision or development applications that have been approved. Others are obvious mapping errors but it is considered that they should be publicly exhibited along with the planning proposal.

2 Planning Proposal as best way to achieve to objectives

Yes, The Planning Proposal is the best means of achieving the objectives and outcomes. Amending the LEP map and instrument is the only way to give effect to the proposed changes. Alternative options have been explored in detail for amendments such as Amendment 9 and are justified in Section 2.

Section B: Relationship to Strategic Planning Framework

3 *Consistency with Objectives and Actions within Regional Strategies*

Hunter Regional Plan 2036

The Planning Proposal is consistent with the Hunter Regional Plan. Key directions which the planning proposal is consistent with include Direction 14 protect and connect natural areas and Direction 19 identify and protect the regions heritage.

Direction 14 identifies the need to strengthen biodiversity corridors. Amendment 1, 2 and 3 of the Planning Proposal are additional properties to existing conservation areas and support this direction.

The Hunter Regional Plan recognises the role that heritage plays in tourism and the local community. Direction 19 of the Plan aims to identify and protect the region's heritage. This Planning Proposal will implement this direction by ensuring that the Schedule 5 and the associated map of the LEP is current. This will allow Council and the community to easily identify items of heritage significance and ensure they are protected.

Draft Hunter Expressway Strategy

The Draft Hunter Expressway (HEX) Strategy was realised for exhibition December 2020. The strategy identifies the types of land uses that will be suitable for each area and will enable the Department, Transport for NSW and councils to streamline the assessment process to ensure development opportunities are optimised at each of the interchanges. Amendment number 9 is located immediately adjoining the Allendale Interchange. The HEX strategy states the following for the Allendale Interchange.

Allendale Interchange

Allendale Interchange is the eastern gateway to the Hunter wine and tourist district and will accommodate development at the former Greta Migrant Camp. This is proposed to operate as a boutique product, rather than competing with housing choices available in the existing settlements in this part of the region.

This half interchange is relatively remote from existing centres and employment land. It is expected to be primarily used to service future development at Greta Migrant Camp although its use to service growing residential release areas in Lochinvar will need to be monitored.

The rural setting of this interchange provides amenity to the Hunter Valley Vineyards District and is not proposed to change further in the long term.

The proposed amendment will not affect the functioning of the Greta Migrant Camp and should not impact the rural setting of the interchange as the property will continue to be zoned RU2.

4 *Consistency with Council's Community Strategic Plan or other Local Strategic Plan*

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2023 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following objectives in the Community Strategic Plan:

- 3.1 Protecting and enhancing the natural environment and the rural character of the area
- 3.2 Better utilisation of existing open space

Cessnock Local Strategic Planning Statement 2036

On 17 June 2020, Council adopted the Local Strategic Planning Statement 2036 (LSPS). The Planning Proposal is consistent with the following Planning Priorities in the Local Strategic Planning Statement:

- Planning Priority 11: Our city has a defined commercial hierarchy (further explanation in amendment number 4 in Section 2)
- Planning Priority 17: Our lands of environmental value are protected and enhanced
- Planning Priority 18: Our areas of biodiversity and biodiversity corridors are enhanced and protected
- Planning Priority 25: Heritage based tourism is facilitated and promoted

The Planning Proposal is consistent with the following Planning Principles in the Local Strategic Planning Statement:

- Our centres exist in a logical hierarchy that reflects the catchment that they serve.
- Our centres meet local retail and service needs, without reducing the viability of other centres nearby.
- Natural assets and lands of environmental value are identified and protected.
- Areas of high biodiversity are identified and conserved.
- Environmental lands will be protected by appropriate environmental zones.
- Places of heritage significance are identified and protected.

5 Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP (Aboriginal Land) 2019	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Activation Precincts) 2020	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 19 – Bushland in Urban Areas	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 21 - Caravan	The SEPP provides for	Nothing in this Planning Proposal impacts on the operation of this

SEPP	Relevance	Consistency and Implications
Parks	development for caravan parks.	SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>discretionary development standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Coastal Management) 2018	The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Concurrences and Consents) 2018		Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>(b)simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or</p>	

SEPP	Relevance	Consistency and Implications
	modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.	
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Koala Habitat Protection) 2019	This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Primary Production and Rural Land) 2019	The aims of this Policy are as follows: (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (State Significant Precincts) 2005	<p>The aims of this Policy are as follows:</p> <p>(a), (b) (Repealed)</p> <p>(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>conservation of those State significant precincts for the benefit of the State,</p> <p>(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</p> <p>(e), (f) (Repealed)</p>	

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. Employment and Resources		
1.1. Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	The amendments does not proposed to change any requirements relating to this direction.
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Amendment 5, 9 and 10 affect land zoned for rural use however the amendments do not propose to change the zone, rather they are correcting a mapping error (amendment 5), proposing a local clause to facilitate a boundary adjustment (amendment 9). Amendment 10 is proposing to allow plant nurseries as permitted with consent in a rural zone. It is considered that this use is appropriate in a rural zone.
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not applicable
1.5. Rural Lands	The objectives of this direction are to:	Amendment 5, 9 and 10 affect land zoned for rural use however the

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>amendments do not propose to change the zone, rather they are correcting a mapping error (amendment 5), proposing a local clause to facilitate a boundary adjustment (amendment 9). Amendment 10 is proposing to allow plant nurseries as permitted with consent in a rural zone. It is considered that this use is appropriate in a rural zone.</p>
2. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Environment and Heritage		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Amendment, 1, 2 and 3 are adding properties to an environmental zone. These properties have been dedicated to National Park, Conservation Areas or State Forests.
2.2 Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	Not applicable
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The amendment intends to protect items of heritage significance and heritage conservation areas through updating Schedule 5 Environmental Heritage and the associated maps.</p> <p>The amendment will alter or remove some properties from the heritage schedule and maps. This is to reflect the correct location of items, reflect subdivisions that have occurred and remove items that no longer exist.</p>
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	The Planning Proposal is consistent with this direction.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of</p>	None of the amendments affect residential zones.

Ministerial Direction	Objective of Direction	Consistency and Implication
	residential development on the environment and resource lands.	
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	The amendments does not proposed to change any requirements relating to this direction
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The amendments does not proposed to change any requirements relating to this direction
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The amendments does not proposed to change any requirements relating to this direction
3.5 Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if	The amendments does not proposed to change any requirements relating to this direction

Ministerial Direction	Objective of Direction	Consistency and Implication
	situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	
3.6 Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	The amendments does not proposed to change any requirements relating to this direction
4. Hazard and Risk		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The amendments does not proposed to change any requirements relating to this direction
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The amendments does not proposed to change any requirements relating to this direction
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Amendment 4 is not affected by the 1:100 ARI or the Flood Planning Level however is partially affected by the PMF. The Planning Proposal is generally consistent with the Direction. Further development may be carried out on the site in accordance with the Cessnock LEP 2011 and Cessnock Development Control Plan 2010 with specific reference to Part C – Chapter 9 Development of Flood Prone Land. Flooding will not have an impact on other amendments in the planning proposal such as correcting heritage mapping

Ministerial Direction	Objective of Direction	Consistency and Implication
		anomalies and identifying land as National Park. Other amendments such as amendment 9 are not identified as flood prone.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	A number of amendments are identified as bushfire prone: <ul style="list-style-type: none"> • Amendment 1 • Amendment 2 • Amendment 3 • Amendment 4 • Amendment 5 • Amendment 9 The proposal will be forwarded to the NSW Rural Fire Service for comment during the exhibition period. Corrections to heritage mapping are unlikely to be affected by bushfire provisions.
5. Regional Planning		
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent. The Hunter Regional Plan 2036 is applicable to the Cessnock LGA. The Hunter Regional Plan provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036. Relevant to the Planning Proposal is Direction 14 and 19. Refer to section 3 for further details
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The amendments does not proposed to change any requirements relating to this direction
6.2 Reserving Land for Public Purpose	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The amendments does not proposed to change any requirements relating to this direction

Ministerial Direction	Objective of Direction	Consistency and Implication
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Amendment 9 will insert an additional local provision. Alternative options have been explored for this amendment (refer to section 2). The additional local provision is the best option.

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

A number of amendments containing Endangered Ecological Communities (EEC):

- Amendment 1, 2 and 3 contain a number of EEC which is reflective of the proposed E1 National Park and RU3 Forestry zoning.
- Amendment number 9 contains Lower Hunter Spotted Gums, Hunter Red Ironbark, Hunter Lowland Redgum, Central Hunter Swamp Oak Forest and Central Hunter Riparian Forest. The proposed amendment to allow lot amalgamation and subdivision is unlikely to impact the threatened species on the site as the lot is already dissected by the HEX and effectively operates as separate lots.

Other amendments such as correcting heritage mapping will not impact on EECs.

8 *Environmental Impact*

The proposed amendments are anticipated to have minimal environmental impact. Sites that are heavily vegetated such as amendment 1, 2 and 3 are being zoned to reflect the National Park or State Forest status of the land.

9 *Social and Economic Impacts*

The lots on Cessnock Road are directly opposite the Abermain neighbourhood centre and effectively function as the same precinct. Given this, and the current and previous uses, the properties should be rezoned to B1 Neighbourhood Centre, consistent with the commercial properties across the road. The existing B1 zone on Cessnock Road Abermain is approximately 6,500m². This amendment will add approximately 2,280m² of B1 zone to the Cessnock Road Abermain precinct. The fire station is an existing building that is relatively new and 289 Cessnock Road is almost fully occupied by an existing building.

Planning Priority 11 in the Cessnock Local Strategic Planning Statement (LSPS) identifies Abermain as a Neighbourhood Centre a B1 zoning is consistent with this.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The proposed amendments do not warrant changes to the provision of public infrastructure as significant additional development is not anticipated.

Amendment 9 has the potential to create an additional dwelling entitlement on the southern lot. The owner has indicated that this is not the intention. The proposed amendment appears to be the only way to allow a boundary adjustment.

Amendment 11 has the potential to create additional dwellings; however the lots affected are already zoned residential and it is intended that a dwelling should be permitted in a residential zone. This amendment will not automatically approve dwellings. Each development application will have to demonstrate that it is suitable on the lot at the development application stage.

11 Consultation with State and Commonwealth Authorities

Consultation will occur in accordance with the Gateway Determination however it is anticipated that consultation will occur with the following State agencies:

- NSW Office of Environment and Heritage: as property owned by them is included in the Planning Proposal, some amendments are proposed to heritage items and some amendments are affected by flooding;
- NSW Rural Fire Service: as property owned by them is included in the Planning Proposal and a number of properties are bushfire prone.

Part 4: Mapping

The Planning Proposal seeks to amend the following mapping sheets of the Cessnock Local Environmental Plan 2011:

- LZN 003
- LZN 004
- LZN 005B
- LZN 006A
- LZN 006B
- LZN 007
- LZN 009A
- LSZ 003
- LSZ 004
- LSZ 006A
- LSZ 006B
- LSZ 007
- HER 003
- HER 006B
- HER 006C

Part 5: Community Consultation

The Planning Proposal is proposed to be publicly exhibited in accordance with Council's Community Participation Plan and the Department's LEP Guide "A guide to preparing local environmental plans".

The Department's Gateway determination may make prescriptions relating to government authority and/or agency consultation.

Part 6: Project Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval.

It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed in 9 months.

Technical Studies have not been identified as a component of the Planning Proposal. The Department's Gateway determination may make prescriptions relating to technical studies and this may impact on the estimated completion date.

	May 2021	June 2021	July 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022
STAGE 1 Submit to DPIE– Gateway Panel consider Planning Proposal									
STAGE 2 Receive Gateway Determination									
STAGE 3 Agency Consultation									
STAGE 4 Preparation of documentation for Public Exhibition									
STAGE 5 Public Exhibition									
STAGE 6 Review/consideration of submission received									
STAGE 7 Report to Council									
STAGE 8 Forward Planning Proposal to DoP&E with request the amendment is made									

Appendix 1

Letter from Office of Environment and Heritage **Dated 2 June 2016**

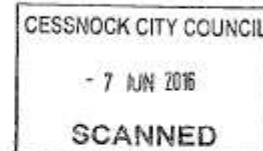
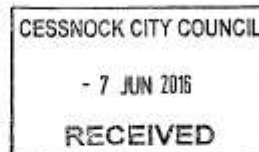


**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



DOC16/259391

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Dear Mr Glen

Acquisition of land for addition to national parks estate, including Yengo National Park

The National Parks and Wildlife Service (NPWS), in line with the Government's goals outlined in *NSW 2021*, is committed to fostering government transparency and greater connection with community. As part of this process we inform council of when and why NPWS acquires land for addition to the national parks system.

Lands within Cessnock LGA were recently transferred to the Minister for the Environment to be managed under the *National Parks and Wildlife Act 1974* (NPW Act).

The lands were part of compensatory offset packages or voluntary acquisitions. Reservation of the land under the NPW Act is a condition of the transfer agreements.

NPWS acquired land (450 hectares) for addition to Yengo National Park (Map A)

- NPWS completed the voluntary acquisition of three properties comprised of lot 207, 67,91,140,179,180,193, 194 DP755272, lot 19 DP755213
- Land transferred as part of compensatory habitat (lot 64, 24,32,43,46 DP755213, lot 126 DP755272)

The land is bounded by Yengo National Park. It is currently zoned RU2 rural landscape. NPWS plans to reserve the land under the NPW Act as an addition to Yengo National Park.

NPWS will also seek to add portions of Crown road to the park where it lies bounded by the acquired lots. These roads are not required for public access and their addition to the park will streamline land management within government.

Other NPWS acquired land (1400 hectares) in Cessnock LGA (Map B)

- Land transferred as part of compensatory habitat for development offsets (lot 181 DP755241, lot 63 DP755217, lot 165 DP755219, lot 220 DP755230, lot 10 DP1137569, lots 15,16 DP755211). NPWS intends to add these lands to the national parks estate in the near future.

The addition of the lands to Yengo National Park is part of a strategy to gradually acquire private inholdings (particularly within wilderness) within the park boundary as they become available. It will allow greater consistency of management actions across the reserve and will increase cost and outcome effectiveness for control of fire, pests and weeds. It secures permanent access to a fire trail linking Stockyard Arm fire trail via Stockyard Creek fire trail to the Cagney fire trail.

PO Box 1967 Hurstville BC NSW 1481
43 Bridge Street Hurstville NSW 1481
Tel (02) 9995 5000 Fax (02) 9585 6544
ABN 30 841 387 271
www.nationalparks.nsw.gov.au

The addition will fulfil a goal of the Aboriginal community in securing protection of a registered Aboriginal art site that is a good example of a shelter with art. It is likely that more Aboriginal art sites may be found on the properties.

Addition of the lands to the national parks estate secures protection of suitable habitat for a range of threatened fauna species including gang-gang cockatoo, little lorikeet, powerful owl, koala, yellow-bellied glider and large-eared pied bat. It increases protection of two rare vegetation communities: Sydney hinterland rocky yellow bloodwood woodland and Hunter range hillgrove gum gully forest.

If there are any matters you wish to discuss concerning the addition of this land to the national parks estate, please contact Paul Donnelly, Team Leader on 9585 6095 or by email paul.donnelly@environment.nsw.gov.au.

Any specific matters regarding land management should be directed to the relevant NPWS Area Manager. You may contact Angela Lonergan, Hawkesbury North Area Manager on ph 4320 4215, in relation to lands on Map A and southern portions of Map B. In regard to the remaining lands on Map B, you may contact Deon van Rensburg, Lower Hunter Area Manager on ph 4946 4102.

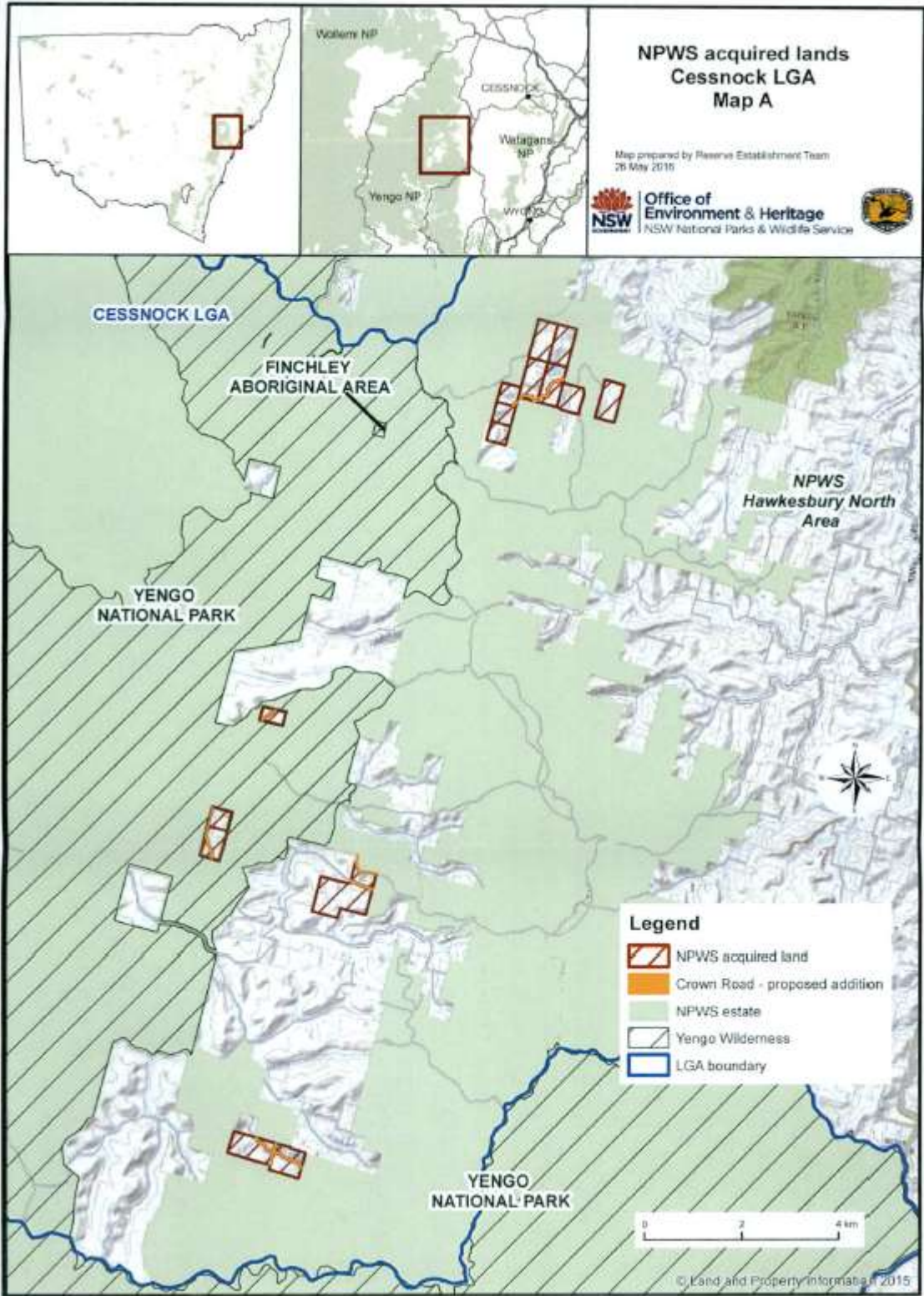
Yours sincerely

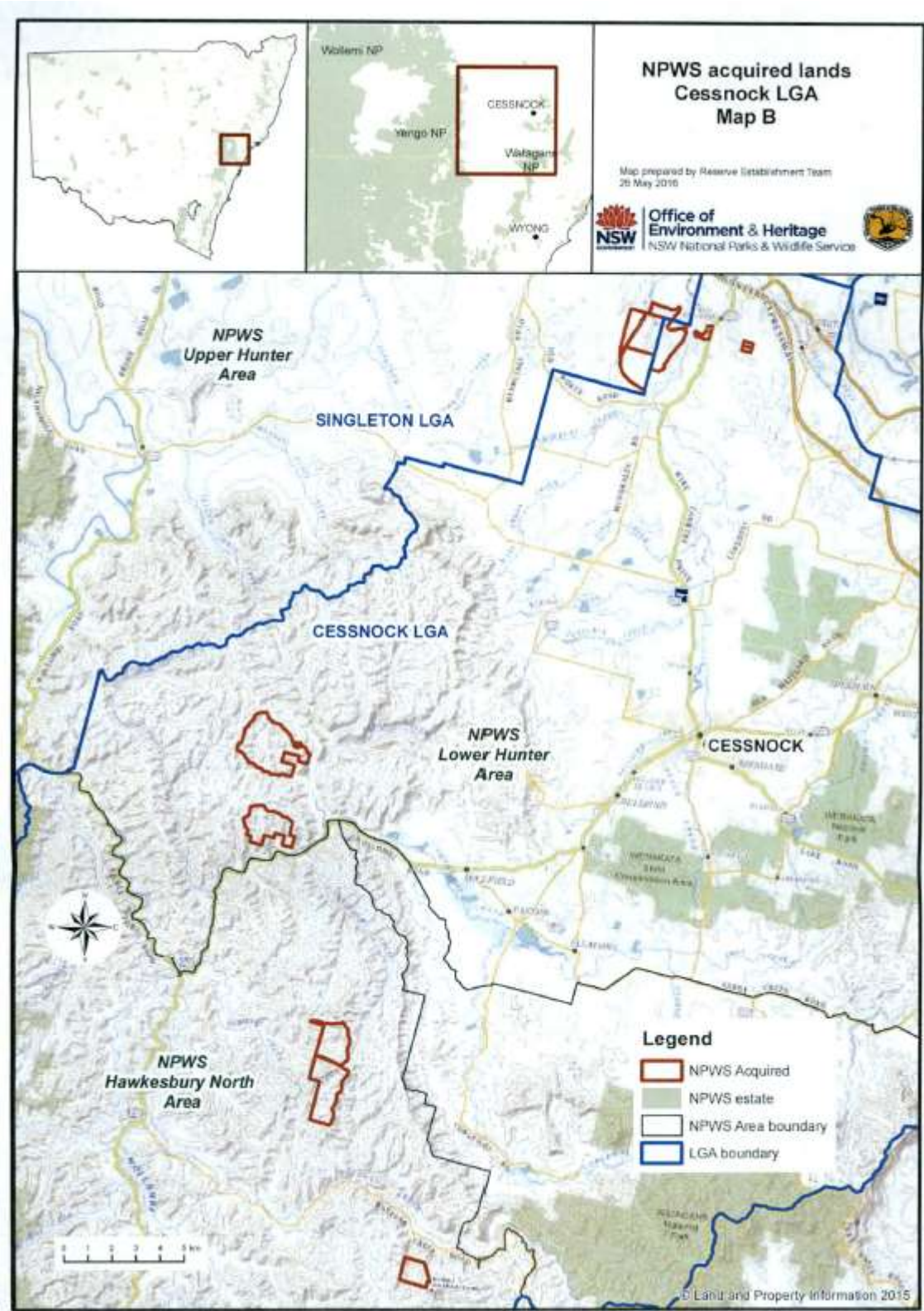
 2/6/2016

RACHEL DEWAR

A/Team Leader, Land Assessment
National Parks and Wildlife Service

Enclosure: Maps





Appendix 2

Letter from the Office of Environment & Heritage Dated September 2019



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Email: council@cessnock.nsw.gov.au

Dear Sir/Madam

Notice of Reservation under the National Parks & Wildlife Act 1974

**Addition to Yengo National Park
Addition to Yengo State Conservation Area**

Please find attached Government Gazette notices published 13 September 2019 in regard to the above for your information and records.

Land reserved under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves and this can be amended in your Local Environmental Plan.

Please contact me if you have any questions.

CATHY JOHNSON
Project Officer – Land Information
Reserve Establishment
T (02) 9585 6377
cathy.johnson@environment.nsw.gov.au

16 September 2019

PO Box 1967 Hurstville NSW 1481
43 Bridge Street HURSTVILLE NSW 2232
Tel: (02) 9585 6444 Fax: (02) 9585 6555
ABN 30 841 387 271
www.environment.nsw.gov.au

Government Notices

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedules 1 to 3 below as part of **Yengo National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 11th day of September 2019.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

GOD SAVE THE QUEEN

An area totalling 402.74 hectares

Schedule 1

Land District – Singleton LGA – Singleton
County of Northumberland, Parish of Burton, 24.28 hectares, being Lot 60 DP755214.

Schedule 2

Land District – Maitland LGA – Cessnock
County of Northumberland, Parish of Yango, 252.51 hectares, being Lots 67, 91, 126, 140, 179, 180, 193, 194, 207 and 208 DP755272.

Schedule 3

Land District – Windsor LGA – Cessnock
County of Northumberland, Parish of Burragurra, 125.95 hectares, being Lots 19, 24, 32, 43 and 46 DP755213.
Papers NPWS/EF14/29951, EF14/30018, EF17/6447, EF14/30019, EF19/24125 & EF15/8013

(n2019/2740)

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 71BC of the *National Parks and Wildlife Act 1974*, by this my proclamation reserve the land specified in the Schedule below as **Mutawintji State Conservation Area** and as part of the area leased from Mutawintji Local Aboriginal Land Council under Part 4A of that Act.

SIGNED and SEALED at Sydney this 11th day of September 2019.

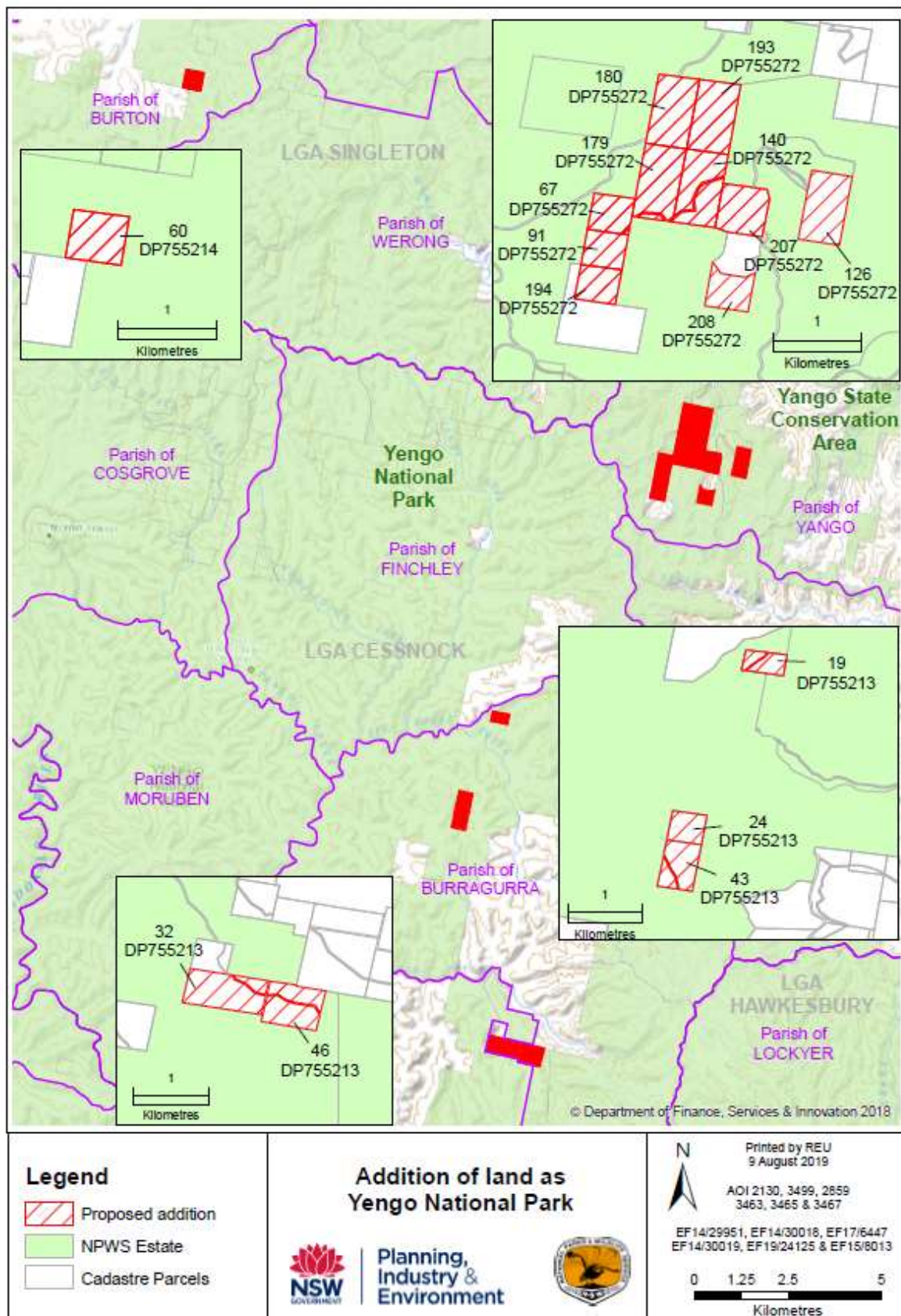
MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

GOD SAVE THE QUEEN

Schedule

Land District – Wilcannia LGA – Central Darling
Counties of Mootawingee & Yungnulgra, Parishes of Kandie, Kara, Nulla Nulla, Wertago, Williams & Woraro, 56,954 hectares, being the Lots listed below; inclusive of the Crown roads within Lot 1 DP757495, Lot 2 DP754627 and Lot 2 DP757506.



Government Notices

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Wollemi National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 11th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

Schedule

Land District – Muswellbrook LGA – Singleton

County of Hunter, Parishes of Coonbaralba & Wambo, 582.7 hectares, being Lots 9, 75, 76, 77, 102 & 207 DP753817, Lots 10, 13 & 14 DP753776; exclusive of a strip 20 m wide over the formation of Commission Road through Lot 13.

Papers NPWS/EF16/10118, EF16/14007 & EF16/1172

(n2019-2735)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A STATE CONSERVATION AREA

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Yango State Conservation Area**, under the provisions of Section 30A(1)(c) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 11th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

Schedule

Land District – Windsor LGA – Cessnock

County of Northumberland, Parish of Burragurra, 82.86 hectares, being Lot 64 DP755213.

Papers NPWS/EF14/31102

(n2019-2736)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Jervis Bay National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 11th day of September 2019.

MARGARET BEAZLEY

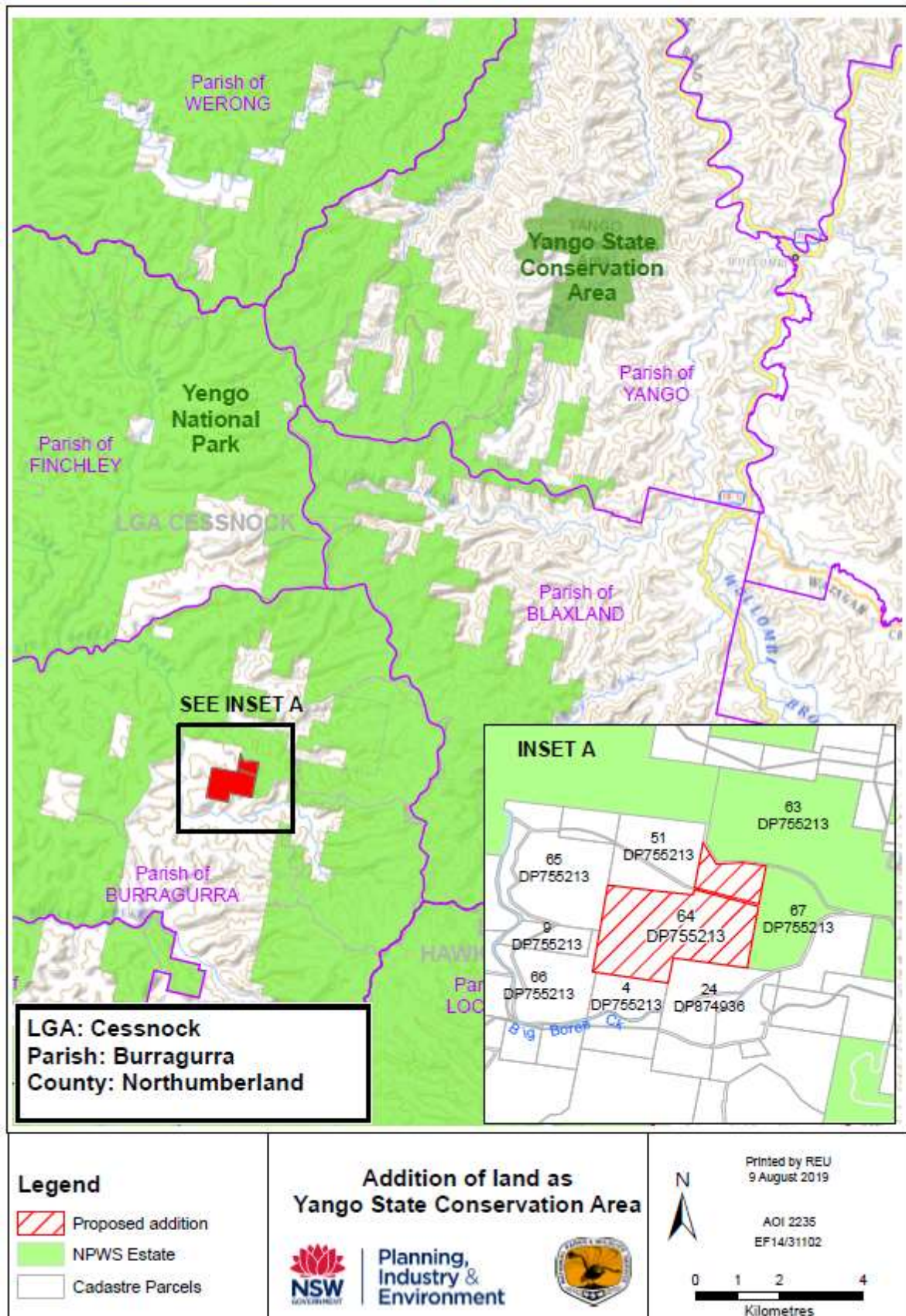
Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN



Appendix 3

Letter from Office of Environment & Heritage **Dated 10 January 2019**



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Email: council@cessnock.nsw.gov.au

Dear Sir/Madam

Notice of Reservation under the National Park Estate (Reservations) Act 2018 No 57

Yango State Conservation Area

The National Park Estate (Reservations) Act 2018 No 57 commenced on the 1 January 2019, see copy attached. This Act transfers certain state forest land to national park estate.

An area 647.5 hectares was revoked from Yango State Forest No 278 and reserved as a new reserve Yango State Conservation Area. The land is shown hatched on the diagram attached. If you require further information please contact me by email, cathy.johnson@environment.nsw.gov.au.

CATHY JOHNSON
Project Officer – Land Information
Reserve Establishment
T (02) 9585 6377
cathy.johnson@environment.nsw.gov.au

10 January 2019

PO Box 1967 Hurstville NSW 1481
43 Bridge Street HURSTVILLE NSW 2232
Tel: (02) 9585 6444 Fax: (02) 9585 6555
ABN 30 841 387 271
www.environment.nsw.gov.au

National Park Estate (Reservations) Act 2018 No 57



New South Wales

Status information

Currency of version

Current version for 26 October 2018 to date (accessed 20 November 2018 at 15:55)

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

Provisions in force

None of the provisions displayed in this version of the legislation have commenced. See [Historical Notes](#)

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 26 October 2018.

National Park Estate (Reservations) Act 2018 No 57



Contents

Long title

Part 1 Preliminary

- 1 Name of Act
- 2 Commencement
- 3 Definitions

Part 2 Land transfers

- 4 Revocation of State forests
- 5 Reservation of former State forests as national park or state conservation area
- 6 Vesting in NPW Minister of former State forests on 1 January 2019
- 7 Adjustment of description of land transferred to national park estate

Part 3 Miscellaneous

- 8 Act to bind Crown
- 9 Regulations

Schedule 1 State forests reserved as national park

Schedule 2 State forests reserved as state conservation area

Schedule 3 State forests vested in NPW Minister

Schedule 4 Land transfers—ancillary and special provisions

Historical notes

National Park Estate (Reservations) Act 2018 No 57



New South Wales

An Act to transfer certain State forest land to the national park estate; and for other purposes.

Part 1 Preliminary

1 Name of Act

This Act is the *National Park Estate (Reservations) Act 2018*.

2 Commencement

This Act commences on 1 January 2019.

3 Definitions

(1) In this Act:

NPW Minister means the Minister administering Divisions 1 and 2 of Part 4 of the *National Parks and Wildlife Act 1974*.

State forest means land dedicated under the *Forestry Act 2012* (or under the former *Forestry Act 1916* or the former *Forestry Act 1909*) as a State forest, being a dedication that is in force.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) Notes included in this Act do not form part of this Act.

Part 2 Land transfers

4 Revocation of State forests

- (1) The dedication as State forest of the lands described in Schedules 1, 2 and 3 is revoked on 1 January 2019.
- (2) Any notices under section 18 of the *Forestry Act 2012* (or under section 21A of the *Forestry Act 1916*) that declare, as special management zones, areas of State forests whose dedication is revoked by subsection (1) are also revoked by this Act on the date the dedication is revoked, but only to the extent to which they relate to special management zones, or parts of special management zones, situated within the lands referred to in that subsection.
- (3) Any notices under section 16 of the *Forestry Act 2012* (or under section 25A of the *Forestry Act 1916*) that set apart, as flora reserves, areas of State forests whose dedication is revoked by subsection (1) are also revoked by this Act on the date the dedication is revoked, but only to the

extent to which they relate to flora reserves, or parts of flora reserves, situated within the lands referred to in that subsection.

5 Reservation of former State forests as national park or state conservation area

The lands described in Schedules 1 and 2 are, on the date their dedication as State forest is revoked by section 4, reserved under the *National Parks and Wildlife Act 1974* as, or as part of, national park or state conservation area (as indicated in the relevant Schedule).

6 Vesting in NPW Minister of former State forests on 1 January 2019

- (1) The lands described in Schedule 3 vest, on 1 January 2019, 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.
- (2) Despite subsection (1), the lands described in Schedule 3 are not freed and discharged from any continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind) to which the lands were subject immediately before their vesting under this section.

7 Adjustment of description of land transferred to national park estate

- (1) The description of any land in Schedules 1, 2 and 3 (a *relevant Schedule*) may be adjusted in accordance with this section.
- (2) A description of land may be adjusted from time to time:
 - (a) to alter the boundaries of the land for the purposes of the effective management of national park estate land and State forest land, including adjustments to enable boundaries to follow distinctive land features, to provide access to land or to rationalise the boundaries of similar areas of land, or
 - (b) to adjust the boundary of any land adjoining a public road, including adjustments to enable the boundary to follow the formed path of the road or to provide an appropriate setback from the carriageway of the road, or
 - (c) to include, remove or change a description of any easement or restriction to which the land is subject, or
 - (d) to provide a more detailed description of the boundaries of the land.
- (3) Any adjustment of a description of land may include adding to a relevant Schedule a description of the land removed by the adjustment from the description of land in another relevant Schedule.
- (4) An adjustment of the description of land is to be made by the Environment Agency Head by a notice published on the NSW legislation website that amends a relevant Schedule.

- (5) A notice under this section may be published only with the approval of:
- (a) the NPW Minister, and
 - (b) to the extent that the notice relates to a State forest—the Minister administering the *Forestry Act 2012*, and
 - (c) to the extent that the notice applies to Crown land or a Crown road—the Minister administering the *Crown Land Management Act 2016*, and
 - (d) to the extent that the notice applies to a classified road—the Minister administering the provisions of the *Roads Act 1993* relating to classified roads.
- (6) The Environment Agency Head is required to certify in any notice under this section that the adjustments effected by the notice will not result in significant reduction in the size or value of national park estate land or State forest land.
- (7) An adjustment of the description of land may only be made before 1 January 2022.
- (8) If any of the land described in a relevant Schedule on the commencement of this Act is not included in the adjusted description of the land, the land that is not included is taken never to have been subject to or affected by the provisions of this Act applying to land described in the relevant Schedule.
- (9) If land included in the adjusted description of the land includes any land not described in a relevant Schedule on the commencement of this Act, the land is taken to have been subject, on and from the commencement of this Act, to the provisions of this Act applying to land described in the relevant Schedule.
- (10) The Environment Agency Head may, in a notice published under this section to adjust the boundary of land adjoining a public road, declare that:
- (a) the land (described in the notice) is part of the public road and, accordingly, is vested in the roads authority for the public road under the *Roads Act 1993* or is Crown land, or
 - (b) the land (described in the notice) ceases to be part of the public road and is divested from the relevant roads authority or the Crown and becomes part of the land subject to the provisions of this Act applying to land described in the relevant Schedule in which the land is included.
- (11) A declaration under subsection (10) has effect despite anything to the contrary in the *Roads Act 1993*.
- (12) In this section:
- appropriate setback*, in relation to a carriageway of a road, includes a setback that allows for drainage, signposts, traffic control devices, lighting and other supporting infrastructure for the road.
- classified road* and *public road* have the same meanings as they have in the *Roads Act 1993*.
- Environment Agency Head* means the Chief Executive of the Office of Environment and Heritage.

land adjoining a public road includes land in the vicinity of a public road.

national park estate land means:

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

Part 3 Miscellaneous

8 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.

9 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 or any Act that amends this Act.
- (3) Any such provision has effect despite anything to the contrary in Schedule 4 (Land transfers—ancillary and special provisions). The regulations may make separate savings and transitional provisions or amend Schedule 4 to consolidate the savings and transitional provisions.
- (4) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (5) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, 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 State forests reserved as national park

1 Addition to Willi Willi National Park: Carrai State Forest No 909

An area of about 2,080 hectares, being part of Carrai State Forest No 909, dedicated by proclamation published in the NSW Government Gazette on 14 October 1949, and Extensions No 1 and No 5, dedicated on 28 April 1950 and 2 August 1985, respectively, in the Parishes of Clarke, Loch and Dudley, Counties of Dudley and Vernon, and being the land shown coloured pink on the diagram catalogued Misc R 00339 in the Office of Environment and Heritage, subject to any variations or exceptions noted on the diagram.

2 Addition to Budderoo National Park: Yarrawa State Forest No 878

An area of about 120.6 hectares, being part of Yarrawa State Forest No 878, dedicated by proclamation published in the NSW Government Gazette on 26 February 1943, being the whole of Extension 1, dedicated on 11 November 1949, in the Parish of Yarrawa, County of Camden.

Schedule 2 State forests reserved as state conservation area

1 Addition to Curracabundi State Conservation Area: Mernot State Forest No 1047

An area of about 1,144 hectares, being the whole of Mernot State Forest No 1047, dedicated by proclamation published in the NSW Government Gazette on 3 October 1986, being the whole of Extension 1, dedicated on 8 May 1987, in the Parish of Barnard, County of Hawes.

2 Yango State Conservation Area

An area of about 647.5 hectares, being the whole of Yango State Forest No 278, dedicated by proclamation published in the NSW Government Gazette on 15 December 1916, in the Parish of Yango, County of Northumberland.

Schedule 3 State forests vested in NPW Minister

- 1** An area of about 513 hectares, being the whole of Muldiva State Forest No 1049, being Lot 8, DP 752815 and dedicated by proclamation published in the NSW Government Gazette on 12 June 1987, in the Parish of Bostobnick, County of Fitzroy.

Schedule 4 Land transfers—ancillary and special provisions

1 Exclusion of freehold and certain leasehold interests

- (1) The following land is not reserved by this Act:
- (a) land that a person holds for an estate in fee simple,
 - (b) land that a person holds under a continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,
 - (c) land that is comprised in an incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b).
- (2) This clause has effect despite any other provision of this Act.
- (3) However, this clause does not apply to any interest in land of the NPW Minister or the Water Administration Ministerial Corporation.

2 Application of Act

- (1) This Act has effect despite the provisions of the *Forestry Act 2012* and, in particular, despite any different procedure under that Act for the revocation of State forests, national forests, special management zones, flora reserves or timber reserves.

- (2) This Act has effect despite the provisions of the *National Parks and Wildlife Act 1974* and, in particular, despite any different procedure for reserving or vesting, or revoking the reservation of, land under that Act.

3 Reservation of lands as national park or state conservation area

- (1) The lands reserved as, or as parts of, national park or state conservation area by this Act are, for the purposes of the *National Parks and Wildlife Act 1974*, taken to have been so reserved by notice published under Division 1 of Part 4 of that Act.
- (2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a notice under Division 1 of Part 4 of that Act is, in relation to a reservation of any of the lands described in Schedule 1 or 2 that is effected by this Act, taken to be a reference to the commencement of the operation of the relevant item of the Schedules.
- (3) A name assigned to any national park or state conservation area by this Act is taken to have been assigned to that land by notice published under Division 1 of Part 4 of the *National Parks and Wildlife Act 1974*.
- (4) Sections 35 and 47D of the *National Parks and Wildlife Act 1974* do not apply to a reservation of land as, or as part of, a national park or state conservation area that is effected by this Act.

4 Existing leases under *Forestry Act 2012* affecting lands reserved as national park or state conservation area

Sections 42 (2) and 47K of the *National Parks and Wildlife Act 1974* apply to and in respect of a lease under the *Forestry Act 2012*, being a lease:

- (a) affecting any of the lands described in Schedule 1 or 2 that are reserved as, or as parts of, national park or state conservation area by this Act, and
- (b) current and in force immediately before 1 January 2019,
- in the same way as those sections apply to a licence or permit under the *Forestry Act 2012*.

5 Access roads within national park or state conservation area

- (1) In this clause:

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

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 access roads situated within the lands described in Schedule 1 or 2 immediately before 1 January 2019:

- (a) roads of access within the meaning of section 37 of the *Forestry Act 2012* (or section 33A of the *Forestry Act 1916*),

- (b) roads, tracks, trails and other means of access used, immediately before 1 January 2019, for access to private land holdings within those lands,
- (c) roads, tracks, trails and other means of access 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 1 January 2019, reserved as, or as part of, a national park or state conservation area by this Act 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.
- (4) The access roads may continue, subject to this clause, to be used for the purposes for which they were used immediately before 1 January 2019.
- (5) The NPW Minister must, under section 149 of the *National Parks and Wildlife Act 1974*, grant a right of way over an access road to which this clause applies for the benefit of a private land holding in order to replace any right of way duly granted under section 34 of the *Forestry Act 2012* (or under section 20A of the *Forestry Act 1916*) for the benefit of that land holding and in force immediately before 1 January 2019.
- (6) The NPW Minister may from time to time revoke or vary the grant of a right of way under subclause (5).
- (7) Before 1 January 2022, 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 state conservation area, or
 - (b) are not so excluded and are reserved as part of the national park or state conservation area in which they are situated.
- (8) An order under subclause (7) may be published only with the concurrence of the Minister administering the *Forestry Act 2012*.
- (9) On the publication of an order under subclause (7):
 - (a) the access roads that are referred to in the order as excluded from reservation as part of a national park or state conservation area 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 1 January 2019, and
 - (b) the access roads that are not so excluded are reserved as part of the national park or state conservation area within which they are situated.
- (10) 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.

(11) 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.

(12) This clause has effect despite the provisions of the *Forestry Act 2012*.

6 Non-application of section 138 of *Roads Act 1993*

Section 138 of the *Roads Act 1993* does not apply to anything done under a provision of this Act in relation to a road that is, or is on, land reserved under this Act.

7 Provisions relating to certain existing access roads

(1) In this clause:

access road means an access road to which clause 5 of this Schedule applies.

exclusion order means an order under clause 5 (7) of this Schedule that excludes an access road from reservation under this Act.

(2) At the time an exclusion order is made, the NPW Minister may, by order published in the Gazette, determine a width (not being a width greater than 30 metres) for an access road that is to be excluded from reservation under this Act by the exclusion order.

(3) An order under subclause (2) may:

- (a) be made only with the concurrence of the Minister administering the *Forestry Act 2012*, and
- (b) be made by the same order that constitutes the exclusion order concerned, and
- (c) be made only if the NPW Minister has determined it is appropriate after considering:
 - (i) the objects of the *National Parks and Wildlife Act 1974*, and
 - (ii) whether a road of the determined width is necessary to provide access to land in the vicinity of the road or to provide an appropriate setback from the carriageway of the road.

(4) On the making of an order under subclause (2):

- (a) land of the determined width that follows the centreline of the access road (as it existed before the order was made) vests, if it is not already vested, 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:
 - (i) all trusts, obligations, estates, interests, rights of way or other easements, and
 - (ii) any dedication, reservation, Crown grant or vesting to which the land is subject, and any such dedication, reservation, grant or vesting is revoked, and
- (b) the land referred to in paragraph (a) is taken to be an access road and may continue to be used for the purposes for which it was used immediately before the making of the order, and

- (c) if any land was vested in the NPW Minister by virtue of being an access road, but is not covered by the land referred to in paragraph (a), the land is reserved as part of the reserved land within which it is situated.

8 Status of land vested in NPW Minister

- (1) Any land that is vested by this Act in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* is taken to have been acquired by that Minister under that Part, and may be dealt with by that Minister as if it had been so acquired.
- (2) Any such land is, to the extent that it relates to land subject to a lease preserved by section 6 of this Act, taken to be Crown land reserved from sale for the purpose of any application by the holder of the lease to purchase the land comprised in the lease.

9 Provisions relating to activities carried out on land vested in NPW Minister

- (1) This clause applies to and in respect of land vested in the NPW Minister for the purposes of Part 11 of the *National Parks and Wildlife Act 1974* by this Act.
- (2) For the avoidance of doubt, the purposes for which the NPW Minister's powers under section 149 of the *National Parks and Wildlife Act 1974* may be exercised in respect of land to which this clause applies include enabling an activity to continue to be carried out that was carried out on the land before it was so vested.
- (3) The Chief Executive of the Office of Environment and Heritage may authorise the use of relevant access roads for the purpose of enabling any lawful activity to be carried out on the land to which this clause applies.
- (4) In this clause, *relevant access roads* means roads, tracks, trails and other means of access through any land reserved under the *National Parks and Wildlife Act 1974* to land to which this clause applies.

10 Saving in relation to revocations

A revocation effected by this Act does not affect anything done or omitted to be done before the revocation takes effect.

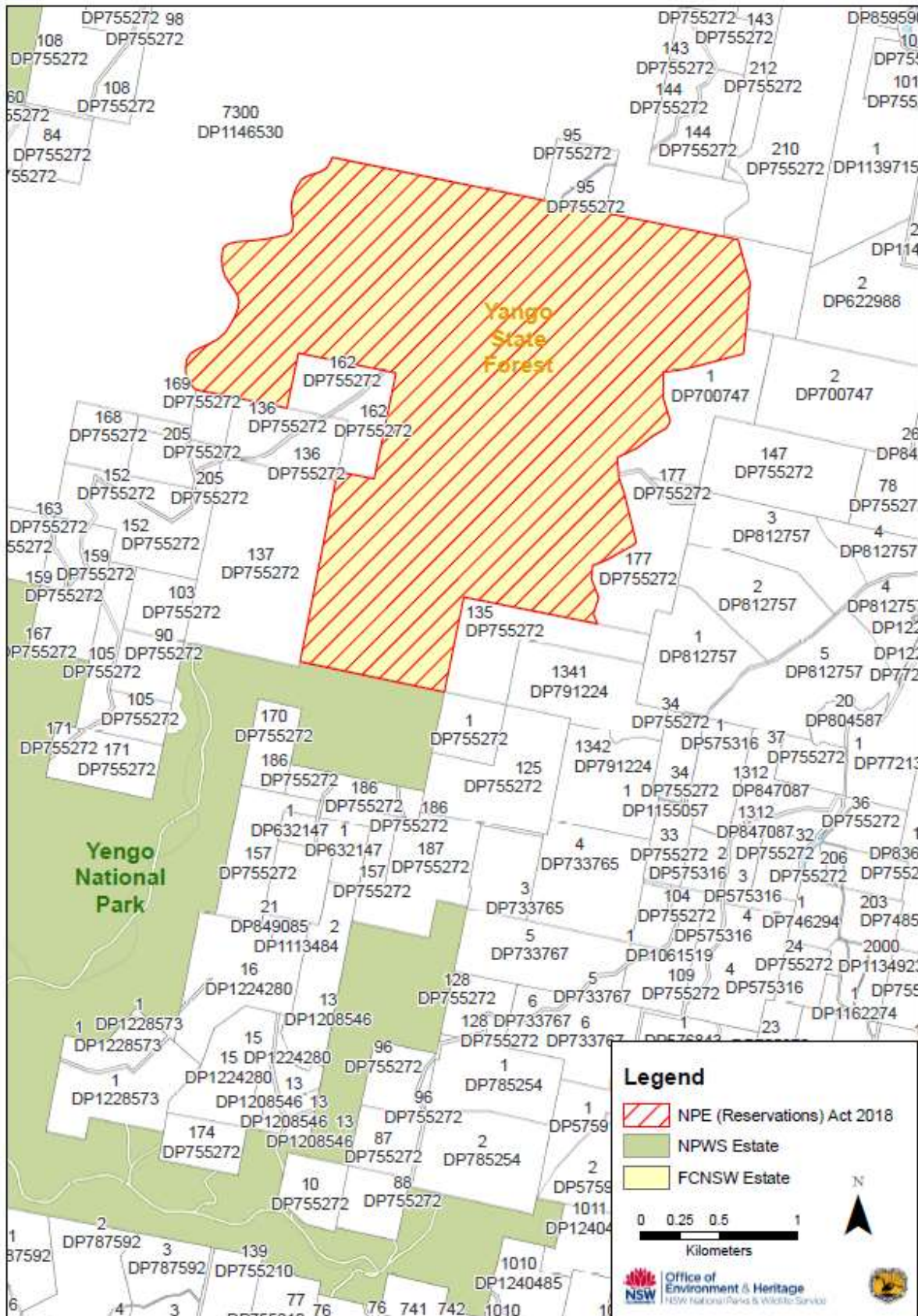
Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

~~National~~ ~~Park~~ ~~Estate~~ (~~Reservations~~) ~~Act~~ ~~2018~~ ~~No~~ ~~57~~. Assented to 26.10.2018. Date of commencement, 1.1.2019, sec 2.



Appendix 4

Heritage Inventory Sheet for Two Storey Stone House Source: Office of Environment & Heritage

Two-storey Stone House

Item details

Name of item:

Two-storey Stone House

Type of item:

Built

Group/Collection:

Residential buildings (private)

Category:

Homestead building

Primary address:

80 Stockyard Creek Road, Paynes Crossing, NSW 2325

Parish:

Yango

County:

Northumberland

Local govt. area:

Cessnock

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
80 Stockyard Creek Road	Paynes Crossing	Cessnock	Yango	Northumberland	Primary Address

Statement of significance:

Of historic significance as a rare remaining example of the early settlement of the Wollombi Valley with its simple design stone house, detached kitchen and slab barn.

The buildings and surrounding landscape are culturally significant because they are an intact example of good integrity which are historically significant because of their establishment period, aesthetically significant because of how they were constructed and of what they were constructed and socially significant because of the land ownership and socio economic claim of the owners.

Date significance updated: 30 Jan 07

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright](#) and [disclaimer](#).

Description

Physical description:

Vernacular two storey stone house with hipped iron roof and with detached single storey gabled kitchen wing on southern side. Vertical slab shed to rear.

Physical condition and/or

Archaeological potential:

Good. Stone work in largely sound condition.

Moderate archaeological potential - sites of outbuildings etc.

Date condition updated: 13 Dec 06

Modifications and dates:

Very little modification has been done to this building, other than replacing original shingle roof with corrugated iron, probably in the first half of the 20th century. The free standing timber wing at the south end of the stone building probably added late 19th century or early 20th century.

Current use:

Rural residential

Former use:

Agriculture

History

Historical notes:

Edward Payne arrived on the ship Minerva in 1824, and later obtained a ticket of leave for the district of Wollombi. He married Ann Hanratty of Parramatta in 1837. Ann purchased their first parcel of land at the government sale at Wollombi. It was located in the Parish of Yengo at the crossing place near the junction of Stockyard Creek and the lower Wollombi Brook. Payne later purchased five more parcels of land all adjoining the original 100 acres, and four of their descendants likewise purchased more parcels. The land was used for agricultural and grazing purposes.

It is unusual that the first purchase, shown on the map of the Parish of Yango, was made in the name of Ann Payne. Women owners were quite rare at the time.

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Agriculture-Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture	Subdivision and settlement-

Assessment of significance

SHR Criteria a)

[Historical significance]

This item is historically significant because it provides an example of continuous occupation dating from early settlement.

SHR Criteria c)

[Aesthetic significance]

This item is aesthetically significant because of its landscape, setting and simple symmetrical design and features.

SHR Criteria d)

[Social significance]

This item is socially significant because the land was first purchased by the wife reflects an uncommon practice of the period.

SHR Criteria f)

[Rarity]

4/27/2021

Two-storey Stone House | Heritage NSW

This item is rare because it is unusual for modest farmers of the district to construct a two storey cut stone building and is a very early example of settlement in the Valley.

Integrity/Intactness:

Buildings and grounds are intact and hold their integrity.

Assessment criteria:

Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

Support owners in maintenance of this building. Try to maintain immediate landscape without modern intrusions.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
State Environmental Planning Policy	Hunter Heritage REP, 1989	Sched 2 - Items of Regional Environmental Heritage	25 Sep 89	107	9346
Local Environmental Plan	Cessnock Local Environmental Plan 2011		23 Dec 11	1163	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
City of Cessnock Heritage Study	1994	198	Pike, Penelope; Walker, Meredith and Associates		Yes

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Parkes, Comerford & Lake		Mines, Wines and People	

Note: internet links may be to web pages, documents or images.



4/27/2021

Two-storey Stone House | Heritage NSW



4/27/2021

Two-storey Stone House | Heritage NSW



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name:

Local Government

Database number:

1340047

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Appendix 5

Heritage Inventory Sheet for Wollombi Cottage

Source: Office of Environment & Heritage

Wollombi Cottage

Item details

Name of item:

Wollombi Cottage

Other name/s:

Wollombi Cottage Crafts / Clerk of Petty Sessions Office

Type of item:

Built

Group/Collection:

Residential buildings (private)

Category:

House

Primary address:

2883 Wollombi Road, Wollombi, NSW 2325

Parish:

Corrabare

County:

Northumberland

Local govt. area:

Cessnock

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
2883 Wollombi Road	Wollombi	Cessnock	Corrabare	Northumberland	Primary Address

Statement of significance:

The building structures and cartilage are a predominantly intact early settler's home still in situ. A good example of vernacular timber construction in the early Australian Georgian tradition. It is historically and socially significant because it demonstrates early 19th Century construction and the settler's modest means and economical building in use of materials and structural elements. It is aesthetically significant because of the buildings context and landscape. The site's intactness gives it integrity resulting in at least local significance.

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright](#) and [disclaimer](#).

Description

Physical description:

Previously a house. Then Wollombi Cottage Crafts. From 2001 (?), a private residence.

Board and batton (hardwood) with corrugated iron roof (previously timber shingles). A verandah extends the length of the front (N) and a full length skillion along the back (S). Chimney and fire places are sandstone (elegant, well constructed).

4/27/2021

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A breeze way separates the main building from the detached kitchen, constructed of timber slabs, sandstone foundations and chimney. At the back (S) is a "lean-to" and a water well situated at the eastern end.

A small unmarked head stone still remains in situ on the hill to the south.

Physical condition and/or

Archaeological potential:

The building is substantially intact. Has worn well in the past and continues to be used at present.

Date condition updated: 29 Jan 07

Further information:

An old shed constructed of timber slabs and iron (various) is located in the NW corner of the allotment. Draws significant interest from tourists.

Current use:

Commercial (gift shop)

Former use:

Clerk of Petty Sessions Office / Residential / Commercial (various)

History

Historical notes:

Acquired by McDougall at Government auction in 1838. The building was the original Clerk of Petty Sessions Office. It later became a private residence in which rooms were let to single people, some of whom carried on trades such as dressmaking.

The building has been and presently is used as commercial premises.

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	7.1 Early townships-

Assessment of significance

SHR Criteria a)

[Historical significance]

It is historically significant because it is an example of an early 19th Century settlers building and its surrounds. It is physical evidence of the vernacular Georgian architectural style, sited on the pattern of rectangular 1/2 acre allotments in accordance with early 19th Century government regulations, which underpins the character of the village.

SHR Criteria c)

[Aesthetic significance]

It is aesthetically significant because it contributes to the distinctive, historic scenic character of the relatively intact 19th Century township settlement.

SHR Criteria d)

[Social significance]

It is of social significance because the building establishes the modest means and skills of early immigrants as shown by the simple practical construction using materials locally at

4/27/2021

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hand.

SHR Criteria f)

[Rarity]

It is a rare example because it remains within its original setting complete with associated out buildings.

Integrity/Intactness:

External character is fully maintained. A high level of intactness with minor changes allowing present occupation. Integrity is high resulting in high significance.

Assessment criteria:

Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

List as heritage item. Ensure as much original fabric inside and out is conserved along with the setting and outbuildings. The site, buildings and structures should be recorded.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Cessnock Local Environmental Plan 2011		23 Dec 11	1203	

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Howard Tanner; Philip Cox	1975	Restoring Old Australian Houses and Buildings	
Written	Morton Herman	1965	Georgian Architecture in Australia	
Written	William Stanley Williams	1970	Remarks of Wollombi	
Written	WVPA	1979	Wollombi Valley	

Note: internet links may be to web pages, documents or images.



<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=1340091>

3/4

4/27/2021

Wollombi Cottage | Heritage NSW



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Data source

The information for this entry comes from the following source:

Name:

Local Government

Database number:

1340091

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