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NATIONAL PARKS AND WILDLIFE ACT 1974

Blackmans Point Aboriginal Place, Port Macquarie

Pursuant to section 84 of the *National Parks and Wildlife Act 1974*, I, the Minister for Environment and Heritage, being of the opinion the place known as Blackmans Point is, and was, of special significance to Aboriginal culture, declare the lands described in schedule "A" as an Aboriginal Place.

The values for which the Blackmans Point Aboriginal Place has been assessed as being significant to Aboriginal culture include, but are not limited to, its importance to the Birpai People and all Aboriginal people of the Port Macquarie-Hastings area as the site of a massacre which occurred in 1826.

Descendants of those that survived the massacre have had the oral history of the massacre told to them over generations. They believe they are here because of their ancestors, and that their ancestors shaped their perspectives today. Many of the descendants feel a strong sense of sadness and unfinished business when they visit Blackmans Point.

The site is representative of other massacre sites around NSW at which atrocities have been committed against the Aboriginal population since European occupation. Telling the truth about the colonial history and frontier violence that occurred in New South Wales helps address past injustices, allowing for healing and reconciliation. The telling of the events at the Blackmans Point Massacre Site contributes to the understanding of the shared history of New South Wales.

The Hon. James Griffin MP
Minister for Environment and Heritage

Sydney this 19th day of December 2022

SCHEDULE "A"

All those pieces or parcels of land known as Lot/DP 7003/93074, 7312/1143058 and 7303/1148527 in the Parish of Macquarie, County of Macquarie, approximately 14.66 hectares, being the areas defined by the red boundary line in the curtilage plan below.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Order under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*

Under delegation from the Minister for Planning, I declare the development specified in column 1 of the table in Schedule 1 to this Order on the land specified in the corresponding row in column 2 of the table in Schedule 1 to this Order to be State significant development under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, for the purposes of the *Environmental Planning and Assessment Act 1979* (the Act).

This Order takes effect upon publication in the *New South Wales Government Gazette*.

Dated: 20 December 2022



Chris Ritchie
Director
Industry Assessments

SCHEDULE 1

Column 1	Column 2
Development	Land
<p>Development known as the 'Orchard Hills Waste and Resource Management Facility' (MP09_0074) approved by the Land and Environment Court under the former section 75K of the Act on 13 July 2012 as subsequently modified under 75W of the Act.</p>	<p>All land identified in Lot 40 DP 738126 of the approval to carry out the development known as the 'Orchard Hills Waste and Resource Management Facility' (MP09_0074) as in force on the date of this Order.</p>

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

ENVIRONMENTAL PLANNING AND ASSESSMENT (DEVELOPMENT CERTIFICATION AND FIRE SAFETY) REGULATION 2021

ORDER

This Order declares certain development as BASIX excluded development under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*

I, **Felicity Greenway**, Executive Director, State Policy and Strategic Advice of the Department of Planning and Environment, pursuant to Schedule 7, definition of “BASIX excluded development”, paragraph (d) to the *Environmental Planning and Assessment Regulation 2021* and Schedule 2, definition of “BASIX excluded development”, paragraph (d) to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (**the Regulations**), declare, by this Order:

1. development specified in the *Lismore Local Environmental Plan 2012*, Schedule 3, Part 1, matter relating to “Raising of dwelling houses above flood planning level” as development that involves the alteration of a building to be BASIX excluded development within the meaning of the Regulations.

This Order applies from 13 February 2023.

Dated: 22 December 2022

Felicity Greenway

Executive Director, State Policy and Strategic Advice
Department of Planning and Environment