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NATIONAL PARKS AND WILDLIFE ACT 1974

Bellwood Sacred Site Aboriginal Place, Nambucca

Pursuant to section 84 of the *National Parks and Wildlife Act 1974*, I, the Minister for the Environment, being of the opinion the place known as Bellwood Sacred Site is, and was, of special significance to Aboriginal culture, declare the lands described in schedule “A” as an Aboriginal place.

The Bellwood Sacred Site is of special significance to the local Gumbaynggirr people as one of the most powerful, spiritual, secret, and sacred sites on the mid-North Coast. By the 1920s the site was well known as a place used for men’s business, providing an area of seclusion and privacy on the side of a hill which was heavily vegetated for secrecy. Women and children are culturally prohibited from visiting or viewing the area.

The Bellwood Sacred Site is the focal point of cultural beliefs for the entire Gumbaynggirr nation, forming a tangible link between their traditional past and present times. The complex of cultural sites and landscape that it sits within contains connected areas of ceremony, burial sites and walking tracks that have been used for thousands of years for gatherings and cultural practice, and most notably, for men’s initiation.

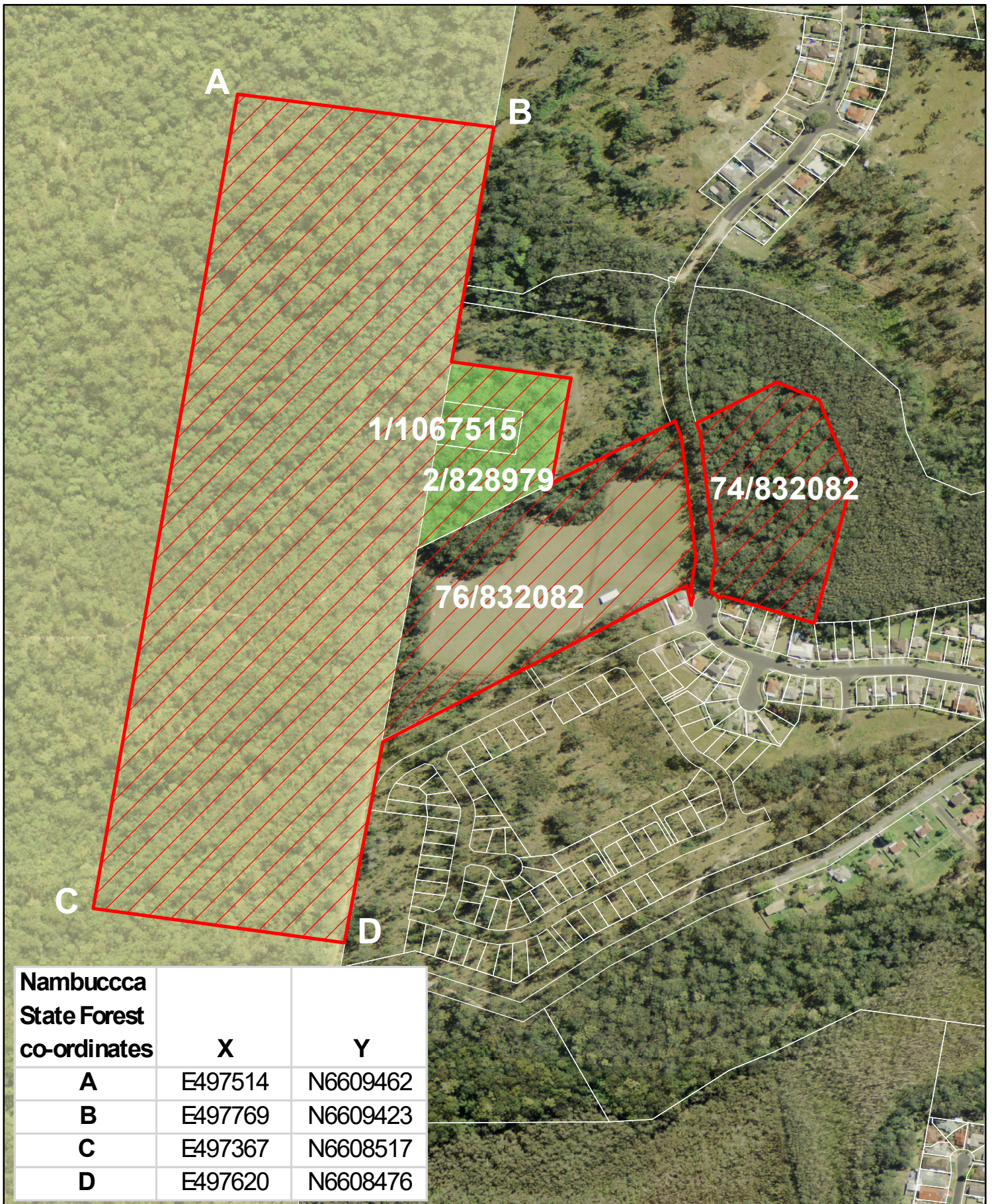
The complex of sites in and adjacent to the Bellwood Sacred Site represent a wealth of cultural heritage to the traditional owners and the maintenance of the remaining site integrity is of high importance. Bushland surrounding the site has traditionally provided privacy and amenity for ceremonies for which there are important cultural and safety protocols. The cultural protocols of the area are still highly respected and upheld by the Gumbaynggirr people.

The Hon Penny Sharpe MLC
Minister for the Environment




Signed this 25th day of November 2024

SCHEDULE “A”

All those pieces or parcels of land known as Lot 1 DP1067515, Lot 2 DP828979, Lot 74 DP832082, Lot 76 DP832082 and part of Nambucca State Forest west of the Aboriginal Area in the Parish of Nambucca, County of Raleigh, approximately 40 hectares, being the areas defined by the red boundary line in the curtilage plan below.

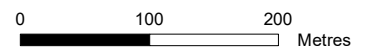


Legend

-  Aboriginal place boundary
-  State Forests
-  NPWS Estate

**Bellwood sacred site
Aboriginal place,
Nambucca Heads**

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Datum/Projection: GCS GDA 1994



Notice of listing an amendment to Wyoming SHR No. 00772 on the State Heritage Register under the *Heritage Act 1977*

Wyoming – Amendment
25 Wharf Road, Birchgrove

SHR No. 00772

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule “A” and listed on the State Heritage Register has been amended in accordance with the decision the Minister for Heritage made on 20 November 2024 to direct the amendment. This listing applies to the curtilage or site of the item, being the land described in Schedule “B”.

Heritage Council of New South Wales

SCHEDULE “A”

The item known as Wyoming, situated on the land described in Schedule “B”.

SCHEDULE “B”

All those pieces or parcels of land known as Lot 1 DP 65983, and Lot 405 DP 752049 in Parish of Petersham, County of Cumberland shown on the plan catalogued HC Plan 1844 in the office of the Heritage Council of New South Wales.

Exemption Order for amendment of Wyoming listing on the SHR No. 00772 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 3 September 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

This Order revokes the previous site specific exemptions for Wyoming which were gazetted on 15 June 1990 and takes effect on the date it is published in the NSW Government Gazette.

Dated this 20th day of November 2024.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

The item known as Wyoming situated on the land described in Schedule B.

SCHEDULE B

The item known as Wyoming SHR No. 00772, located as identified on the plan catalogued HC Plan 1844 in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following specified activities/ works to an item do not require approval under section 57(1) of the *Heritage Act 1977*.

GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions and must be complied with:

- a) If a conservation management plan (CMP) is prepared for the place, it must meet the following conditions:
 - i. It must be prepared by a suitably qualified and experienced heritage professional.
 - ii. It must be prepared in accordance with the requirements for a detailed and best practice CMP as outlined in the Heritage Council of NSW document *Statement of best practice for conservation management plans (2021)*.
 - iii. It must be consistent with the *Heritage Council of NSW documents: Guidance on developing a conservation management plan (2021)* and *Conservation Management Plan checklist (2021)*.
- b) Anything done under the site specific exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some site specific exemptions require suitably qualified and experienced professional advice/work).
- c) The site specific exemptions do not permit the removal of relics or Aboriginal objects. If relics are discovered, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.
- d) Any works/activities undertaken under these exemptions should have consideration for the archaeological value of the place. Excavation and ground disturbance including but not limited to services, drainage or signage, should only occur in areas of existing trenching, or demonstrably disturbed ground or areas of low or lesser potential as determined by an archaeological assessment or zoning plan, prepared by a suitably qualified archaeologist.
- e) Activities/works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.
- f) The site specific exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/works fall within the site specific exemptions.

- g) The proponent is responsible for ensuring that any activities/works undertaken by them meet all the required conditions and have all necessary approvals.
- h) Proponents must keep records of any activities/works for auditing and compliance purposes by the Heritage Council of NSW. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
- i) It is an offence to do any of the things listed in section 57(1) of *the Heritage Act 1977* without a valid exemption or approval.
- j) Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- k) The site specific exemptions under the *Heritage Act 1977* are not authorisations, approvals, or exemptions for the activities/works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and *the National Parks and Wildlife Act 1974*).
- l) The site specific exemptions under *the Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works. Activities or work undertaken pursuant to a site specific exemption must not, if it relates to an existing building, cause the building to contravene the *National Construction Code*.
- m) In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and *the Heritage Act 1977*, the Act will prevail.
- n) *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/works on an item.

EXEMPTION 1: VILLA - EXTERIORS

Specified activities/ works:

- (a) Repair and maintenance including the removal and replacement of fabric with like-for-like fabric, including deteriorated sections of original or restored windows, window hoods and eaves, roofing slates, gutters, downpipes, terracotta tiled roof area, rendered walls, reinstated verandah cast iron decorative elements including columns.
- (b) Erection of temporary hoardings (up to 12 months) and scaffolding associated with maintenance or conservation of facades, windows and roof sheeting and drainage where no physical impact to heritage fabric occurs.
- (c) Alterations of the 2000 kitchen addition, 2000 garage and carport above the workshop (as located to the west of the main villa structure, occupying the original lot 3 and having little or no heritage significance). Such alterations will be exempt provided that the resultant building envelope remains substantially similar to that currently in place.

EXEMPTION 2: VILLA – INTERIORS

Specified activities/ works:

- (a) Alterations to the interior that would not involve demolition or removal of original, early or reinstated early fabric, including timber and tessellated tile floors, timber skirtings and architraves, fireplaces and their surrounds, plaster ceilings and cornices, internal plaster finishes, original windows, window cases and panelled doors.
- (b) Alterations to the 1890s and 1910 additions, if needed to adapt the building for modern use.
- (c) Alterations to the Conservatory Kitchen, providing they are sympathetic to its character.

EXEMPTION 3: REPAIR OR REPLACEMENT OF MASONRY

Specified activities/ works:

- (a) Repair, restoration or replacement of deteriorated, unsafe or collapsed stone masonry walls and floor with like-for-like materials.

EXEMPTION 4: GARDEN WORKS

Specified activities/ works:

- (a) Garden maintenance including top-dressing, pest control and fertilising necessary for the continued health of plants, without damage or major alterations to layout, plant species or other significant landscape features.
- (b) Removal of dead or dying trees which are to be replaced by trees of the same species or species of similar character in the same location.
- (c) Tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.