

File: PR-175.05.105 Doc: IC20/363

ITEM 7

PROPOSED SUPPORT TO ADDRESS GAZETTAL ANOMALY AND TRANSFER OWNERSHIP OF UNFORMED ROAD TO NATIONAL PARKS & WILDLIFE SERVICE

Due to a gazettal anomaly, an unnamed Council public road reserve traverses Lot 191 DP 1204076, being Crown Land that is part of the Royal National Park (the Subject Road). The Subject Road is unformed and inaccessible and is managed by the National Parks and Wildlife Service (NPWS) as National Park. The NPWS seeks Council's support to address the gazettal anomaly by formally reserving the Subject Road as National Park, effectively transferring ownership of the Subject Road to the NSW Minister for Energy and Environment.

RECOMMENDATION

- 1 Council support the proposal by the National Parks and Wildlife Service to formally reserve the unnamed road reserve that traverses Lot 191 DP 1204076 as shown crosshatched on Attachments 1 and 2, as National Park, effectively transferring ownership of the road reserve to the NSW Minister for Energy and Environment.
- 2 The National Parks and Wildlife Service be responsible for preparation, and if necessary, registration of all necessary documentation to effect the reservation.
- 3 The National Parks and Wildlife Service be responsible for any and all costs in relation to this matter.
- 4 Approval be granted to affix the Common Seal of Council to any documentation required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Map of Unformed Road Reserve Proposed to be Transferred to National Parks & Wildlife Service
- 2 Aerial Map of Unformed Road Reserve Proposed to be Transferred to National Parks & Wildlife Service
- 3 Deposited Plan of Lot 191 DP 1204076
- 4 Plan 2495-1603 Plan of a Road Proposed to be Opened as a Public Parish Road under Act of Council 4 William IV No. 11" Dated 25 January 1883
- 5 NSW Government Gazette of 28 January 1885 at Folio 799
- 6 NSW Government Gazette of 22 December 1885 at Folio 8303
- 7 NSW Government Gazette 14 June 1887 at Folio 3939
- 8 Extract from Parish of Bulgo map
- 9 Extract from National Parks and Wildlife Act 1967
- 10 Plan Ms. 20301 Sy

BACKGROUND

Background regarding the road

The road reserve shown crosshatched in Attachments 1 and 2 is a public Council road under the ownership and control of Wollongong City Council as the relevant road's authority.

The road traverses through Lot 191 DP 1204076 being Crown Land that is part of the Royal National Park (refer Attachment 3).

The Subject Road was opened using plan 2495-1603 (refer Attachment 4), being a "Plan of a road proposed to be opened as a public Parish road under act of Council 4 William IV No. 11" dated 25 January 1883.



The three required stages of opening a public Parish road were completed as follows:

- 1. Preliminary notification was posted in the NSW Government Gazette of 28 January 1885 at Folio 799 (refer Attachment 5)
- 2. Confirmation of the road opening was posted in the NSW Government Gazette of 22 December 1885 at Folio 8303 (refer Attachment 6)
- 3. Notification of the opening of the road was posted in the NSW Government Gazette of 14 June 1887 at Folio 3939 (refer Attachment 7).

On opening, the Subject Road became a public road vested in Council as the appropriate road's authority at that time.

Further confirmation of the status of the Subject Road is shown in an extract of the regional charting map of the Parish of Bulgo (refer Attachment 8) which denotes the Subject Road as a public road.

Details of the road

The approximate area of the Subject Road is two hectares.

The area in which the Subject Road sits is zoned E1 National Parks and Nature Reserve and is managed by the NPWS as National Park.

The Subject Road is unformed and is not accessible by the public.

Background regarding the Royal National Park

The Royal National Park was reserved on 1 October 1967 by the *National Parks and Wildlife Act 1967*, as shown in the attached extract of the *National Parks and Wildlife Act 1967* (see Attachment 9). The park was defined on the plan known as "Ms. 20301 Sy" (see Attachment 10).

The reservation specifically excluded public roads within the external boundaries of the park, meaning that the Subject Road is excluded from the Royal National Park reservation.

Proposal from National Parks and Wildlife Service

On 13 July 2020 Council received a letter from NPWS, summarised as follows:

- NPWS is undertaking a series of upgrades to the Royal Coast Track in Royal National Park, including sections of track within the Wollongong City Council.
- During delivery of the project a gazettal anomaly has been identified showing an existing road reserve in the ownership of Wollongong City Council that lies within the boundary of the Royal National Park (ie the Subject Road).
- NPWS would like to correct the anomaly and seeks Council's support to have the Subject Road
 formally reserved as part of the Royal National Park. Such reservation would be carried out under
 the National Parks and Wildlife Act 1974 and would have the effect of closing the road reserve, and
 ownership of the land comprising the Subject Road would then be transferred to the NSW Minister
 for Energy and Environment by means of reservation as National Park. This process negates the
 need for any formal road closure action.
- NPWS requires a formal resolution of Council supporting the transfer of land to the NSW Minister for Energy and Environment by means of reservation as National Park.

PROPOSAL

The Subject Road is unformed, inaccessible, and is already managed as National Park. Given that there were no objections from the relevant divisions of Council, it is proposed that Council resolves to support the proposal by the NPWS to formally reserve the Subject Road as National Park, effectively transferring ownership of the Subject Road to the NSW Minister for Energy and Environment.



CONSULTATION AND COMMUNICATION

A referral was sent to the following relevant sections of Council with no objections raised:

- Land Use Planning
- Infrastructure Strategy and Planning
- · Parks and Open Spaces
- Natural Areas
- Heritage
- Environmental Planning.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 goal 1 "We value and protect our environment".

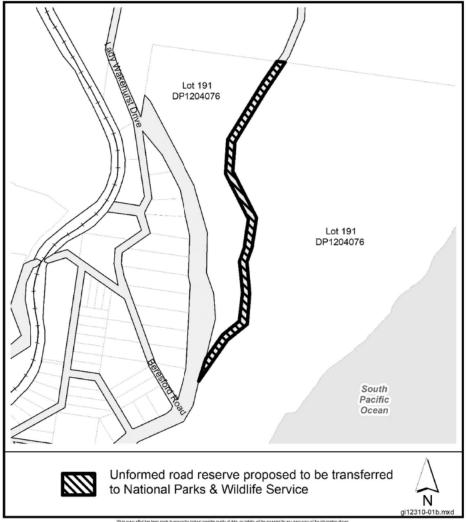
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2020-21.

FINANCIAL IMPLICATIONS

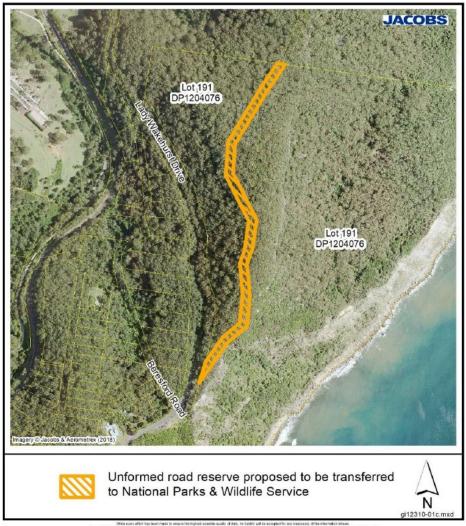
There no financial implications associated with this proposal.

CONCLUSION

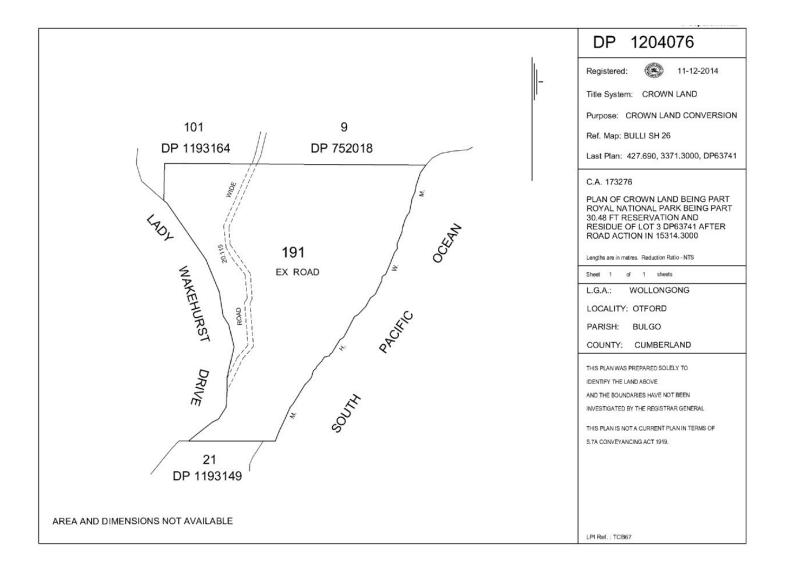
The Subject Road is unformed, inaccessible by the public, and is already managed as by the NPWS as National Park. Supporting the proposal by NPWS would formalise NPWS's ownership and ongoing management of the Subject Road and would result in no operational changes within Council.













Item 7 - Attachment 4 - Plan 2495-1603 - Plan of a Road Proposed to be Opened as a Public Parish Road under Act of Council 4 William IV No. 11" Dated 25 January 1883



799

[410]

nt of Min Sydney, 28th January, 1885.

CONFIRMATION OF PARISH ROADS.

NOTICE is hereby given, in conformity with the provisions of the Act 4th William IV No. 11, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to confirm the Roads mentioned in the annexed Schedule (notwithstanding any objections that might have been urged); and it is hereby declared expedient to open and make the Roads referred to, according to the plans and books of reference, to be seen at the Police Offices mentioned.

Any persons intending to claim compensation in respect of the said lines are reminded that notice must be served on the Secretary for Mines, within forty days from the date hereof, as provided by the sixth section of the Act above referred to, or they will be for ever foreclosed from such claim.

By His Excellency's Command.

By His Excellency's Command,

JOSEPH P. ABBOTT.

SCHEDULE REFERRED TO.

Roads No.	Description of Roads.	Date of Gazette of previous Notice of intended opening of Roads.	Plans, &c., lodged at the relice Offices at,—
95-261 34-26-6 8.G. R. 15944	Deviation in road through John Hore's two portions of 320 acres each, Nos. 109 and 110, parish of Bowna, county of Goulbura, being part of the road from Bowna to the Upper Murray,—in lieu of part of road confirmed by Government Gastet Notice of and becember, 1879, folio 531.		Albury.
85-278 83-577-5 S.G. R. 2643	Road along the Lachlan River, through Jones and Richards 318 acres, Waayouri- gong, portion No. 153, with a branch to Fenn's Crossing of the river, within that land, parish of Wongsjong, county of Forbes.—In lieu of part of road confirmed by Gazatte Notice of 20th April, 1855, follo 869.	9 May, 1884, folio 2989	Forbes.
85-264 84-110-3 B.G.	Road from the road from Wollongong to Buill, at the north-west corner of R. S. Reid's 27 acres or roads 23 perches, to the private village of Bellambi, parish of Wonens, county of Camden.	9 September, 1884, folio 6075	Wollengong.
R. 2708 85-279 82-544-8 S.G. R. 2486	Fart of the road from Milton to Bateman's Bay, viz.:—From the north boundary, of F. Lord's 1,010 acres, to the Chyde River, parish of East Nelligen, county of St. Vincent.	rr March, 1884, folio 1663	Bate 's Bay,

[412]

Department of Mines, Sydney, 28th January, 1885.

PRELIMINARY NOTIFICATION OF PARISH ROADS.

HIS Excellency the Governor, with the advice of the Executive Council, having deemed it expedient to open and make the several Parish Roads mentioned in the Schedule appended hereto, to be maintained at the expense of the parishes through which they pass: Notice is hereby given that, in accordance with the provisions of the Act 4th William IV No. 11, plans and books of reference, showing the intended lines of the Roads in question, are now deposited at the office of the Surveyor-General in Sydney, and at the Police Offices mentioned.

It is requested that any well-grounded objections that may exist to the formation of the Roads in question may be transmitted in writing to the Clerk of the Executive Council, within one month from this date.

By His Excellency's Command,

JOSEPH P. ABBOTT.

SCHEDULE REFERRED TO.

Roads No.	Description of Roads,	Names of reputed owners or occupiers through whose properties the Roads pass.	Police Offices at which the plans and books of reference have been lodged.
85-265 82-475-6 8.G. R. 2495	Part of the road from Coal Cliff to the National Park, viz.:—From within R. Hargrave's 1,000 acres to road on the south boundary of A. Stuert's 300 acres, M. L. portion No. 12, parish of Bulgo, county of Cumberland.	Newcombe.	Wollongong.
85-263 81-900-4 S.G. R. 2050	Part of the road from Bugong to Bomaderry, within D. Robertson's 48 acres, portion No. 196, parish of Illarco, county of Camden.	D. Robertson	Nowra.

[411]

Department of Mines, Sydney, 28th January, 1885.

CONFIRMATION OF STREETS.—MUNICIPALITY OF ASHFIELD.

NOTICE is hereby given, in conformity with the provisions of the Act 4th William IV No. 11, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to confirm the Streets mentioned in the annexed Schedule (notwithstanding any objections that might have been urged); and it is hereby declared expedient to open and make the Streets referred to, according to the plans and books of reference, to be seen at the Police Offices mentioned.

Any persons intending to claim compensation in respect of the said lines are reminded that notice must be served on the Secretary for Mines, within forty days from the date hereof, as provided by the sixth section of the Act above referred to, or they will be for ever foreclosed from such claim.

By His Excellency's Command,

JOSEPH P. ABBOTT.

SCHEDULE REFERRED TO.

Roads No.	Description of Streets.	Date of Gazette of previous Notice of intended opening of Streets.	Plans, &c., lodged at the Police Offices at
85-277 82-335-10 8.G. A. 78-2151	Central Road, from Norton-street to Livzrpool Road Parsigh-street, from Clissold-street to Sas Vbs-street	18 April, 1584, folio 2558	Newtown.



Item 7 - Attachment 6 - NSW Government Gazette of 22 December 1885 at Folio 8303

8303

[7960]

Department of Mines, Sydney, 22nd December, 1885.

CONFIRMATION OF PARISH ROADS.

NOTICE is hereby given, in conformity with the provisions of the Act 4th William IV No. 11, that His Excellency the Governor, with the advice of the Exceutive Council, has been pleased to confirm the Roads mentioned in the annexed Schedule (notwithstanding any objections that might have been urged); and it is hereby declared expedient to open and make the Roads referred to, according to the plans and books of reference, to be seen at the Police Offices mentioned.

Any persons intending to claim compensation in respect of the said lines are reminded that notice must be served on the Secretary for Mines, within forty days from the date hereof, as provided by the sixth section of the Act above referred to, or they will be for ever foreclosed from such claim.

By His Excellence Council.

By His Excellency's Command,

GEO. THORNTON.

SCHEDULB REFERRED TO.

Roads No.	Description of Rowla	Date of Gazette of previous Notice of intended opening of Roads.	Plans, &c., lodged at the Police Offices at,—
85-3732 85-226-6 B.G.	Part of road from Wanganderry to Berrima, through G. L. Franklin's 76‡ acres, C.P., parish of Berrima, county of Camden.	8 Footember, 1834, fello 5328	forr'm).
R. 2937 85-3731 83-561-12 B.G. R. 2801	*Road from the village of Sution, towards Yass, viz., to the Yass and Gunderco Road, at the eastern boundary of J. Jobbins (now R. P. Johnston's) 540 acres, parishes of Gourouperroo and Talagandra, county of Murray.	8 April, 1885, f ilio 2157	Gundar o.
85-3730 81-958-17 S.U. R. 2816	Road from the read from Wyndham to Candelo, at Klivy's sile-rails, to Lanc's Corner, purishes of Yuramnis and Candelo, county of Auckland, being part of the road from Candelo to Wolumia, via Likhpow Fist.	10 April, 1885, folio 2497	Cand+lo.
85-3729 83-125-10 8.G. R. 2749	Road from reserved road at the south boundary of John Egan's 45] acros, C.P. partion No. 57, to the Catheart and Panbula Road, within Wilbburd's 160 acres, portion No. 1, parish of Kanoonab, county of Auckland.	30 Jan., 1885, folio 849	Bembala,
85-3728 81-1259-17 8.G. R. 2741.	Road through F. Stennett's 54 acres, C.P., on Ketchencarry Crock, portion No. 13, parish of Cadjangarry, county of Dampier.	30 January, 1835, folio 849	C hargo.
85-3725 84-220-9 8.0. R. 2817	Road from a dedicated road at the south-west corner of John Pignti's 53 acres 1 rood 12 perches (part of a private subdivision) to a reserved road at the south-west corner of W. Bottom (now James Larkin's) 41 seres 3 roods of perches, parish of Mittagong, county of Camden, being part of the road from Bowral to Untaway Hill.		Mittagong and Berrima
85-3726 82-575-10 8.G. R. 2712	Widening of part of road from Vanderville ("The Oaks") towards Camien, viz., between Stoney Creek and Mount Hunter Creek, parish of Weromba, county of Canden.	27 February, 1885, follo 1359	Camcen
85-3727 82-558-7 8.G. R. 2739	Road from the road from Indi to Greg Greg. near Bringenbrong Station, to the Murray River, at the food within T. Mitchell's 67 acres, portion No. 3, parish of Bringenbrong, county of Selwyn.	24 February, 1835, folio 1316	Tumbaramba
85-3724 82-475-10 8.0. R. 2495	*Part of the road from Coal Cliff to the National Park, viz., from within Ralph Hargrare's 1,000 acres to road on the south boundary of Alexander Stuart's 320 acres, M.L. portion No. 12, parish of Bulgo, county of Cumberland.	28 January, 1885, folio 799	Wollongong.

* Through alienated land only.

Department of Mines, Sydney, 22nd December, 1885.

Sydney, 22nd December, 1885.

LAND RESUMED FOR ROAD UNDER 110TH SECTION OF ACT 48 VICTORIA No. 18.—LAND DISTRICT OF BERRIMA.

NOTICE is hereby given that the land embraced in the Conditional Purchases (described in the appended Schedule) has been resumed, the same being required for the following road, viz.:—Part of road from Wanganderry to Berrima, through G. L. Franklin's 764 sores, C.P., parish of Berrima, county of Camden.

[Rds. 85-3,732]

GEO. THORNTON.

Catalogue No. No. of C.P. Parish. Parish No. Name of Conditional Purchaser. Area of Portion,									Area Resumed.		
0. 74-1,521	73-11,468	Berrima		G. L. Franklin	8. 40	r. 0	p. 0	8.	7.	P 3	

[7966]

Department of Mines, Sydney, 22nd December, 1885.

LAND RESUMED FOR ROAD UNDER 1107H SECTION OF ACT 48 VICTORIA No. 18.—LAND DISTRICT OF

MACLEAY RIVER.

NOTICE is hereby given that the land embraced in the Conditional Purchases (described in the appended Schedule), has
been resumed, the same being required for the following read, viz.:—Parts of road from Congarinni to Boat Harbour,
viz.:—From a point on reserved road within P. Byrne's 300 acres, C.P. portion No. 20, to another point on that road and from a
point on reserved road within John Brouggy's 40 acres, C.P. portion No. 42, to the west boundary of a measured portion of
46 acres 3 roods 35 perches, No. 41, parish of Congarinni, county of Raleigh.

[Rds. 85-2,696]

SCHEDULE REFERRED TO.									
Catalogue No.	No. of C.P.	Parish.	Parish No.	Name of Conditional Purchaser.	Ar	ren o		Area Resumed.	Remarks.
R. 165-1714 " 174 " " 174 " " 174 " " 174 "	66- 850 83- 143 77- 130 29 70-2297	Congarinai Do Do Do Do		John Brouggy	8. 40 48 52 40 45	000	p. 0 0 0 0 0	a. r. p. o o m 1 1 20 1 2 30 2 1 10 1 2 0	In lea of part of reserved road.

No. 635, 22ND DECEMBER, 1885.-2.

Item 7 - Attachment 7 - NSW Government Gazette 14 June 1887 at Folio 3939

[3900]

Department of Lands, Sydney, 14th June, 1887.

LEASE FOR SPECIAL PURPOSE .- OBJECTIONS CALLED FOR.

IT is hereby notified, for general information, under the Crown Lands Regulations, that it is proposed to gra hereunder specified, in accordance with the 89th clause of the Crown Lands Act of 1884, of sites for hereunder stated, without right of purchase.

Any objections lodged within four weeks from the date of this notice will receive due consideration, and all persons interested are hereby called upon to lodge such objections at this Office, on or before 10th proximo. THOS. GARRETT.

No.	Name of Applicant.	Description of Land applied for.	Area.	Purpose.	A	leni
Nee, 87-4409	Thomas M'Credie	County of St. Vincent, parish of Tomaga: Commencing on the high-water mark of Moraya River, at a point bearing easterly and distant about too links from the routh-west corner of applicant's property; and bounded on the west by a line be ring south 125 links; on the se uth-cast, east, and south-west, by lines bearing north-sasterly, northerly, and south-easterly a links, 37 links, 5, links, and 25 links respectively; again on the east by a line parallel to the first-mentioned boundary braining north rto links to the afore-aid high-water mark; and thence on the north by that [bigh-water mark westerly to the point of commencement.	perches.	Wharf on piles	£ 15	

[3880]

Department of Lands, Sydney, 14th June, 1887.

PRELIMINARY NOTIFICATION OF PARISH ROADS.

HIS Excellency the Governor, with the advice of the Executive Council, having deemed it expedient to open and make the several Parish Roads mentioned in the Schedule appended hereto, to be maintained at the expense of the parishes through which they pass: Notice is hereby given that, in accordance with the provisions of the Act 4th William IV No. 11, plans and books of reference, showing the intended lines of the Roads in question, are now deposited at the office of the Surveyor General in Sydney, and at the Police Offices mentioned.

It is requested that any well-grounded objections that may exist to the formation of the Roads in question may be tran mitted in writing to the Clerk of the Executive Council, within one month from this date.

By His Excellency's Command,

THOS. GARRETT.

SCHEDULE REFERRED TO.

Roads No.	Description of Roads.	Names of reputed owners or occupiers through whose properties the Roads pass.	Police Offices at which the plans and books of reference have book lodged,
85-54-11 8.0. R. 3167.	Part of read from Cargo to Cuial, viz :From the south boundary of Isaac Wren's (now the Commercial Bank's) 100 acres, C.P. portion No. 200, to the north boundary of Isaac Wren's (now the Commercial Bank's) 165 acres, C.P. portion No. 84, parish of Toegoeg, county of Ashbursham.	The Commercial Bank, C.P	Cudal.
84-309-5 B.G. JL 2848.	Road from the scuth-east corner of P. J. Flyn's 40 acres, C.P. portion No. 337, to the Canowindra and Sheet of Bark Read, within C. Ranken's 640 acres, portion No. 11, parish of Walli, county of Bathurst.	George Ranken	Cowra.
4-445-20 B.G. M. 3114	Road of socces to a reserved road within Jonah Osbotne's 40 acres, portion No. 197, parish of Beneres, county of Bathurst,—in lieu of part of road confirmed in Government Gaucts of 31st August, 1877, folio 3335	Jonah Osborne	Carroar.
85-37-7 8.U. W. 28-2005	Parts of road from Lane Cove Road to bridge over Lane Cove River, viz.:— From a point on the Burnt' Bay Road, when it interrect as some parts of the Burnt' Bay Road, when it interrects as the content of the burnty road at the northerminotic corner of E. Salamon' v 3 nerve or roads 24 perches, and again from a point on a south-eastern boundary of I. Nichole' 350, acress grant aforesaid to a south-western boundary of that grant, Municipality of North Willoughby, parish of Willoughby, county of Cumberland.		St. Leonarde.
86-65-3 R. 1014.	Deviation in part of road from Bathurst, via Foater's Valley, to Rockley, viz: From a point on that road, within R. Smith's (now Chan M'Philiamy's) 1,700 excep, portion Ro. 2, to a bridge on the left bank of Proper's Creek within that portion, parish of Arkell, ocusty of Dathurst,—in lieu of part of road confirmed in Government Gasette of 23rd May, 1055, following.	Chas. M'Philiamy, Thos Culica	Rockley.
85-372-4 S.G. R. 10498.	Deriation in road from Merriws to Cassilis, at the crossing of Munmura Brook, parishes of Borsmbil and Turili, county of Bligh,—in lieu of part of road confirmed in Government Casette, 15th January, 1872, folio 103	Munmurra Brook, Donald	Cassilis.

[3881]

nt of Lands, Sydney, 14th June, 1887. Departm

FORMAL OPENING OF A PARISH ROAD.

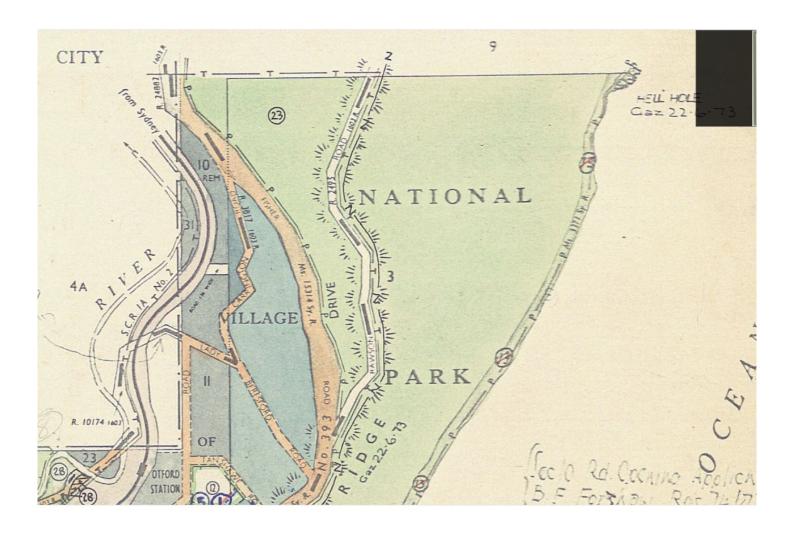
NOTICE is hereby given that the line of Parish Road mentioned in the annexed Schedule has been formally marked and opened by the proper officer, and that the same is now open for public use.

THOS. GARRETT.

	SCHEDULE.								
Reads No.	Description of Road.	Date of Gazette of last Notice,	Plan, &c., lodged at the Police Office at—						
82-475-14 S.G. R. 2495	*Part of the road from Coal Cliff to the National Park, viz :-From within Ralph Hargrave's 1,000 acres to road on the south housdary of Alexander Stunt's 300 acres M.L. portion No. 12, parks of Bulge, county of Cumberlay	22 December, 1885, folio 8303.	Wollengong.						

[·] Confirmed through allenated land only.







Act No. 35, 1967.

93

National Parks and Wildlife.

Morton National Park.

Repealed, Act No. 78, 1969, s. 5 (b) (i).

Mount Kaputar National Park.

All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrergee, Cowinmangarah, Paleroo, Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

N-1 Royal National Park.

All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands, inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.



