



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Proclamations



## Proclamation

under the

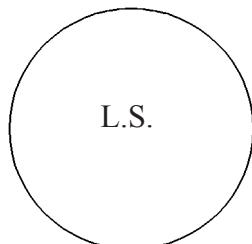
Community Services Legislation Amendment Act 2002 No 42

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Community Services Legislation Amendment Act 2002*, do, by this my Proclamation, appoint 1 December 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 27th day of November 2002.

By Her Excellency's Command,



CARMEL TEBBUTT, M.L.C.,  
Minister for Community Services

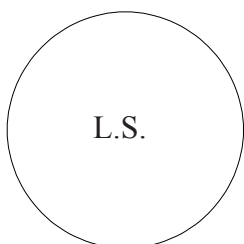
GOD SAVE THE QUEEN!

## Physiotherapists Act 2001 No 67— Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Physiotherapists Act 2001*, do, by this my Proclamation, appoint 1 December 2002 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 27th day of November 2002.



By Her Excellency's Command,

CRAIG KNOWLES, M.P.,  
Minister for Health

GOD SAVE THE QUEEN!

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### Explanatory note

The object of this proclamation is to commence the bulk of the *Physiotherapists Act 2001*. The amendments made by that Act to the *Medical Practice Act 1992* commenced on 22 February 2002, and other amendments made by that Act to the *Chiropractors Act 2001* and the *Osteopaths Act 2001* commenced on 1 August 2002.

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# Regulations

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## Community Services (Complaints, Appeals and Monitoring) Amendment Regulation 2002

under the

Community Services (Complaints, Reviews and Monitoring) Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

CARMEL TEBBUTT, M.L.C.,  
Minister for Community Services

### Explanatory note

The object of this Regulation is to amend the *Community Services (Complaints, Appeals and Monitoring) Regulation 1996* as follows:

- (a) to update the name of the Regulation,
- (b) to make consequential amendments to the Regulation as a result of the commencement of the *Community Services Legislation Amendment Act 2002*,
- (c) to provide as a transitional measure for certain statutory reports, required to be made by the former Community Services Commission and the former Commissioner for Community Services, to be completed or made by the Ombudsman,
- (d) to make a transitional provision to enable the Child Death Review Team to report on certain deaths occurring on or before 31 December 2002.

This Regulation is made under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, including sections 28, 33, 45 and 52 (the general regulation-making power) and clause 1 of Schedule 1.

Clause 1            Community Services (Complaints, Appeals and Monitoring) Amendment  
Regulation 2002

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## **Community Services (Complaints, Appeals and Monitoring) Amendment Regulation 2002**

under the

Community Services (Complaints, Reviews and Monitoring) Act 1993

### **1 Name of Regulation**

This Regulation is the *Community Services (Complaints, Appeals and Monitoring) Amendment Regulation 2002*.

### **2 Commencement**

This Regulation commences on the commencement of the *Community Services Legislation Amendment Act 2002*.

### **3 Amendment of Community Services (Complaints, Appeals and Monitoring) Regulation 1996**

The *Community Services (Complaints, Appeals and Monitoring) Regulation 1996* is amended as set out in Schedule 1.

Community Services (Complaints, Appeals and Monitoring) Amendment  
Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 1 Name of Regulation

Omit “*Appeals*”. Insert instead “*Reviews*”.

### [2] Clause 3 Definitions

Insert in alphabetical order:

*commencement day* means the day on which the 2002 amending Act commences.

*former Commission* means the Community Services Commission constituted under Part 6 of the Act, as in force before the commencement of the 2002 amending Act.

*former Commissioner* means the Commissioner for Community Services appointed under the Act immediately before the commencement of the 2002 amending Act.

*statutory report* means a report required to be prepared and submitted under any Act and includes (but is not limited to) the following:

- (a) an annual report or other report under the Act, as in force before the commencement day,
- (b) financial statements under the *Public Finance and Audit Act 1983*,
- (c) a report under the *Freedom of Information Act 1989*.

*the 2002 amending Act* means the *Community Services Legislation Amendment Act 2002*.

### [3] Clause 3, definition of “the Act”

Omit the definition. Insert instead:

*the Act* means the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

### [4] Clause 4 Functions of Official Community Visitors

Omit “a Community Visitor”.

Insert instead “an Official Community Visitor”.

Community Services (Complaints, Appeals and Monitoring) Amendment  
Regulation 2002

Schedule 1 Amendments

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**[5] Clause 4 (a)**

Omit “Commissioner”. Insert instead “Ombudsman”.

**[6] Clause 5 Applicable service providers: sec 11**

Omit the clause.

**[7] Clause 6 Decisions that may be the subject of an appeal to the Tribunal: sec 28**

Omit “section 40 (1) (d)” from clause 6 (1).

Insert instead “section 28 (1) (c)”.

**[8] Clause 6 (1) (a)**

Omit the paragraph. Insert instead:

- (a) a decision made by a service provider not to take action recommended by the Ombudsman under section 26 of the *Ombudsman Act 1974* as a result of an investigation of a complaint under Part 4 of the Act, or to take part only of the action so recommended,

**[9] Clause 7 Right of appearance: sec 58**

Omit the clause.

**[10] Clause 8 Record of proceedings**

Omit the clause.

**[11] Clause 9 Substituted service: sec 76**

Omit the clause.

**[12] Clause 10 Reasons to be given for certain decisions: sec 45**

Omit “section 114”. Insert instead “section 45”.

**[13] Clause 10 (a) and (b)**

Omit the paragraphs. Insert instead:

- (a) any decision against which there is a right to appeal to the Tribunal, other than a decision of a kind referred to in clause 6 (1),

Community Services (Complaints, Appeals and Monitoring) Amendment  
Regulation 2002

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**[14] Clauses 11, 12, 13 and 14**

Insert after clause 10:

**11 Systemic review of deaths of children at risk of harm, children in care or other persons in care**

For the purposes of section 36 (1) (c) of the Act, the prescribed date is the commencement day.

**12 Reports not completed before commencement day**

- (1) This clause applies to a statutory report required to be prepared for a period ending before the commencement day and not completed or prepared before the commencement day.
- (2) On and from the commencement of this clause, the Ombudsman is required to prepare and submit any statutory report to which this clause applies that the former Commission or former Commissioner would have been required to prepare and submit had the former Commission or former Commissioner still been in existence or still held office.

**13 Reports for period commencing before but ending after commencement day**

- (1) This clause applies to a statutory report required to be prepared, in respect of functions of the former Commission, the former Commissioner and the Ombudsman under any Act, for a period commencing before the commencement day and ending after the commencement day.
- (2) On and from the commencement of this clause:
  - (a) any affairs and accounts of the former Commission or the former Commissioner in respect of the period are, for the purposes of a statutory report to which this clause applies, taken to be affairs and accounts of the Ombudsman, and
  - (b) any statutory report to which this clause applies is to be prepared and submitted by the Ombudsman.

Community Services (Complaints, Appeals and Monitoring) Amendment  
Regulation 2002

Schedule 1 Amendments

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**14 Reports required to be prepared by Child Death Review Team**

- (1) This clause applies to functions of the Child Death Review Team concerning reports and recommendations relating to deaths of children due to abuse or neglect or that occur in suspicious circumstances, being deaths registered in the period ending on 31 December 2002.
- (2) The Child Death Review Team is to exercise functions relating to any such reports and recommendations as if the amendments made in respect of those functions by the 2002 amending Act had not been made.
- (3) The Ombudsman is to include any appropriate recommendations relating to any deaths of children due to abuse or neglect or that occur in suspicious circumstances after 31 December 2002 as recommendations under section 36 (1) (b) of the Act in the Ombudsman's first report under section 43 of the Act.
- (4) In this clause:  
*Child Death Review Team* means the Child Death Review Team established under the *Children (Care and Protection) Act 1987*.





# Conveyancing (Sale of Land) Amendment Regulation 2002

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

KIM YEADON, M.P.,  
Minister for Information Technology

## Explanatory note

The object of this Regulation is to amend the *Conveyancing (Sale of Land) Regulation 2000* to require the following to be attached by vendors to contracts for the sale of land:

- (a) a copy of the current strata management statement, if the contract relates to land that is subject to such a statement,
- (b) a copy of the current building management statement, if the contract relates to land that is subject to such a statement.

This Regulation also rectifies incorrect paragraphing of two parallel provisions in Schedule 3 to that Regulation, as a matter of law revision.

This Regulation is made under the *Conveyancing Act 1919*, including sections 52A and 202 (the general regulation-making power).

Clause 1            Conveyancing (Sale of Land) Amendment Regulation 2002

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## **Conveyancing (Sale of Land) Amendment Regulation 2002**

under the

Conveyancing Act 1919

### **1 Name of Regulation**

This Regulation is the *Conveyancing (Sale of Land) Amendment Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 January 2003.

### **3 Amendment of Conveyancing (Sale of Land) Regulation 2000**

The *Conveyancing (Sale of Land) Regulation 2000* is amended as set out in Schedule 1.

Conveyancing (Sale of Land) Amendment Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 1 Prescribed documents

Omit item 7. Insert instead:

- 7** If the contract relates to land that is subject to a strata management statement registered under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, a copy of the strata management statement, as in force for the time being.
- 7A** If the contract relates to land that is subject to a building management statement registered under the *Conveyancing Act 1919*, a copy of the building management statement, as in force for the time being.

### [2] Schedule 3 Prescribed warranties

Omit each clause numbered 2 (a) from Parts 1 and 2. Insert instead:

- (a) land is *subject to an adverse affectation* if anything listed in Part 3 of Schedule 3 to the *Conveyancing (Sale of Land) Regulation 2000* applies in respect of the land, and
- (b) a public or local authority has a proposal in respect of land if, and only if, the authority has issued a written statement the substance of which is inconsistent with there being no proposal of the authority in respect of the land, and

### [3] Schedule 3

Renumber each of the clauses numbered 2 (b) and 2 (c) in Parts 1 and 2 as clauses 2 (c) and (d), respectively.



New South Wales

# Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

The Hon EDWARD OBEID, M.L.C.,  
Minister for Fisheries

## Explanatory note

The object of this Regulation is to make miscellaneous amendments to the *Fisheries Management (General) Regulation 2002*.

The amendments provide for, or relate to, the following:

- (a) the maximum quantity of fish of certain species that a person may take on any one day (the *daily limit*) or may have in his or her possession in specified circumstances (the *possession limit*),
- (b) the prohibition or restriction of certain activities in or on waters constituting critical habitat of the grey nurse shark, and the prohibition of the use of certain fishing gear in the vicinity of that habitat,
- (c) additional conditions in respect of a Class 4 commercial fishing licence, and other matters relating to Lord Howe Island waters (a Class 4 commercial fishing licence may be issued only to a resident of Lord Howe Island),
- (d) the reports that must be made by persons who are registered fish receivers,
- (e) reviews of refusals to grant licences in respect of charter fishing boats,
- (f) declarations of noxious fish and noxious vegetation,
- (g) penalty notice offences.

Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002

Explanatory note

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This Regulation is made under the *Fisheries Management Act 1994*, including sections 209, 220ZE and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002

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## **Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Fisheries Management (General) Regulation 2002**

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

Fisheries Management (General) Amendment (Miscellaneous) Regulation  
2002

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert in alphabetical order:

*critical habitat of the grey nurse shark* means the areas declared by a notification under section 220T of the Act to be critical habitat of the grey nurse shark and identified as such in the maps in Schedule 1A.

*Lord Howe Island waters* means the waters within 3 nautical miles of:

- (a) the high water mark on Lord Howe Island, or
- (b) Balls Pyramid.

*wire trace line* means a line that is made from or includes one or more metal strands.

### [2] Clause 14 Application of bag limits and possession limits to commercial fishers

Insert after clause 14 (3):

- (4) Despite subclauses (1)–(3), the daily bag limits and possession limits specified in this Division do apply in respect of fish taken by, or in the possession of, a commercial fisher (whether or not the fish are taken or in possession for sale) if the fish were taken in Lord Howe Island waters by use of a boat and at the time that the fish were taken:
  - (a) the boat was being used as a charter fishing boat, or
  - (b) there were four or more persons on the boat (including any commercial fisher).

### [3] Table (Bag limits) to Division 3 of Part 2 (after clause 15)

Omit “(including Murray crayfish)” from the matter relating to Freshwater spiny crayfish in Part 4 of the Table.

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**[4] Table, Part 4**

Insert immediately below the matter relating to Freshwater spiny crayfish:

Murray crayfish	<i>Euastacus armatus</i>	All waters of NSW other than the waters specified in Schedules A–G of the General Trout Closure published in Gazette No 146 on 28 September 2001 at pages 8281–8287	5 (only 1 of which can be longer than 12 cm) during the months of May, June, July and August	10 (only 1 of which can be longer than 12 cm) during the months of May, June, July and August
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**[5] Clause 20A**

Insert after clause 20:

**20A Use of certain fishing gear prohibited in vicinity of critical habitat of grey nurse shark**

- (1) Clause 66 (1) and (2) apply to commercial fishers who take or attempt to take fish in the vicinity of critical habitat of the grey nurse shark in the same way as they apply, in relation to any waters other than inland waters, to persons who are not commercial fishers.
- (2) A commercial fisher must not, in the vicinity of critical habitat of the grey nurse shark, take or attempt to take fish in contravention of the provisions that apply because of subclause (1).
- (3) A person must not, in the vicinity of critical habitat of the grey nurse shark, take or attempt to take fish by means of a wire trace line from a vessel that is anchored, moored or otherwise held stationary.
- (4) This clause does not apply:
  - (a) in respect of the critical habitat of the grey nurse shark located at Julian Rocks—from 1 November in any year to 30 April in the following year, or



Fisheries Management (General) Amendment (Miscellaneous) Regulation  
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Schedule 1 Amendments

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(b) in respect of the critical habitat of the grey nurse shark located at Montague Island—from 1 May to 31 October in any year.

(5) In this clause:

*vicinity of critical habitat of the grey nurse shark* means the areas identified as *buffer zones* in the maps in Schedule 1A showing the areas of critical habitat of the grey nurse shark.

**Note.** The buffer zones are, generally, the areas within 800 metres of the critical habitat. However, the buffer zones do not all extend 800 metres in all directions—see, for example, the map relating to Little Broughton Island.

Maximum penalty: 100 penalty units.

**[6] Clause 146A**

Insert after clause 146:

**146A Special additional conditions of Class 4 commercial fishing licence**

For the purpose of section 104 (4) (a) of the Act, the following are also prescribed as conditions of a Class 4 commercial fishing licence:

- (a) fish taken for sale by the holder of the licence must be sold for consumption on Lord Howe Island,
- (b) the holder of the licence must when taking fish for sale from a boat, for each fishing trip make a record (an *approved trip record*), in the form approved by the Director, of all fish taken by the licence holder or any other person on the fishing trip,
- (c) the holder of the licence must not take fish for sale using a boat unless, before leaving port, the holder recorded in the approved trip record his or her intention to use the boat:
  - (i) as a charter fishing boat (whether or not commercial fishing also takes place), or
  - (ii) solely for commercial fishing,
- (d) the holder of the licence, during any fishing trip in the course of which the holder takes fish for sale from a boat, must not use the boat as a charter fishing boat unless before leaving port, the holder recorded in the

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approved trip record his or her intention to use the boat as a charter fishing boat,

- (e) the holder of the licence must keep the approved trip record on the boat at all times during a fishing trip.

**[7] Clause 293 Records and reports by registered fish receivers**

Omit “named month a report for that month” from clause 293 (2).

Insert instead “quarter (or such other reasonable period as the Director may specify by notice published in the Gazette), a report for the period concerned”.

**[8] Clause 293 (2) (b) and (c)**

Omit “month” wherever occurring. Insert instead “period”.

**[9] Clause 293 (2) (d)**

Omit the paragraph.

Insert instead:

- (d) such information as the Director may require of the receiver in relation to the quantity and species of fish that are held in stock by the receiver at the end of the period to which the report relates.

**[10] Clause 315 Conduct of review**

Insert after clause 315 (2) (c):

, or

- (d) the person had, before 7 July 2000, acquired (or had entered into (and has subsequently completed) a contract to purchase) a boat for use in connection with marine and estuarine charter fishing in New South Wales, and:
- (i) has used the boat in accordance with an appropriate certificate of survey, and
  - (ii) there are reasons acceptable to the panel why the person failed to satisfy the eligibility criteria and it is fair and reasonable in the circumstances to grant the person a licence.

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## Schedule 1 Amendments

**[11] Clause 335 Exemption for Lord Howe Island residents**

Omit “the Lord Howe Island area” wherever occurring from clause 335 (1) (b) and (2).

Insert instead “Lord Howe Island waters”.

**[12] Clause 335 (3)**

Omit the subclause.

**[13] Clause 340**

Omit the clause. Insert instead:

**340 Noxious fish and noxious marine vegetation (section 209 of the Act)**

- (1) For the purpose of section 209 (1) (a) of the Act, the following fish are declared to be noxious fish:
  - (a) **Class 1**
    - (i) Carp (*Cyprinus carpio*),
    - (ii) Pacific oysters (*Crassostrea gigas*), but only in estuarine and ocean waters (other than Port Stephens).
  - (b) **Class 2**
    - (i) Banded grunter (*Amniataba percooides*),
    - (ii) Speckled mosquito fish (*Phalloceros caudimaculatus*).
  - (c) **Class 3**
    - (i) Tilapia (*Oreochromis mossambicus*, *Tilapia zillii*, *Tilapia mariae*),
    - (ii) black striped mussel (all species of the genus *Mytilopsis*).
- (2) For the purpose of section 209 (1) (b) of the Act, the following marine vegetation is declared to be noxious marine vegetation:
  - Class 2**

Aquarium caulerpa (*Caulerpa taxifolia*).
- (3) Sections 210, 211 and 213 (1) and (2) of the Act do not apply to or in respect of Class 1 noxious fish.

Fisheries Management (General) Amendment (Miscellaneous) Regulation  
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- (4) Section 213 (1) and (2) of the Act do not apply to or in respect of Class 2 noxious fish or Class 2 noxious vegetation if the fish or vegetation concerned is kept in a fully-contained aquarium.

**[14] Part 11A**

Insert after clause 340:

**Part 11A Prohibition or restriction of certain actions on or in critical habitat of grey nurse shark**

**340A Application of Part**

This Part applies:

- (a) in respect of the critical habitat of the grey nurse shark that is located at Julian Rocks—on and from 1 May up to and including 31 October in each year, and
- (b) in respect of the critical habitat of the grey nurse shark that is located at Montague Island—on and from 1 November in each year up to and including 30 April in the following year, and
- (c) in respect of all other critical habitat of the grey nurse shark—at all times.

**340B Restrictions on certain fishing**

- (1) Clause 66 (1) and (2) apply to commercial fishers who take or attempt to take fish on or in critical habitat of the grey nurse shark in the same way as they apply, in relation to any waters other than inland waters, to persons who are not commercial fishers.
- (2) A commercial fisher must not take or attempt to take fish on or in critical habitat of the grey nurse shark in contravention of the provisions that apply because of subclause (1).
- (3) A person (including a commercial fisher) must not, on or in critical habitat of the grey nurse shark:
  - (a) if in a vessel that is anchored, moored or otherwise held stationary, take or attempt to take fish by means of a line:

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- (i) using bait (whether dead or alive), or
- (ii) using a fly other than an artificial fly or a lure other than an artificial lure, or
- (iii) that is a wire trace line, or
- (b) if on land, take or attempt to take fish by means of a wire trace line, or
- (c) take or attempt to take fish in any circumstances by means of a line that has weights totalling more than 500 grams attached to it, or
- (d) take or attempt to take fish by means of a net other than a landing net of the kind described in clause 53 and used in accordance with that clause.

Maximum penalty: 100 penalty units.

**340C Restrictions on diving and other activities**

A person must not, on or in critical habitat of the grey nurse shark, do any of the following:

- (a) swim or dive between sunset and sunrise while using any apparatus capable of supplying air to facilitate breathing underwater,
- (b) block an entrance to a cave or gutter containing a shark,
- (c) feed or touch a shark,
- (d) chase or harass a shark,
- (e) wear or use an electronic shark repelling device,
- (f) use a powered scooter.

Maximum penalty: 100 penalty units.

**340D Fish Rock**

- (1) This clause applies only in respect of so much of the critical habitat of the grey nurse shark as is located at Fish Rock.
- (2) A person must not take or attempt to take any fish by means of a spear, speargun or similar device, other than the following families and species of fish:
  - (a) families:
    - (i) Carangidae (including all trevallies, kingfish and rainbow runner),

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- (ii) Scombridae (mackerel and wahoo tuna),
  - (iii) Istiophoridae (marlin and sailfish),
  - (b) species:
    - (i) cobia (*Rachycentron canadus*),
    - (ii) tailor (*Pomatomus saltator*),
    - (iii) dolphin fish (*Corphaena hippurus*),
    - (iv) Australian salmon (*Arripis trutta*).
  - (3) A person must not, while using any apparatus (other than a snorkel) capable of supplying air to facilitate breathing underwater, take or attempt to take any fish by any method.  
Maximum penalty: 100 penalty units.

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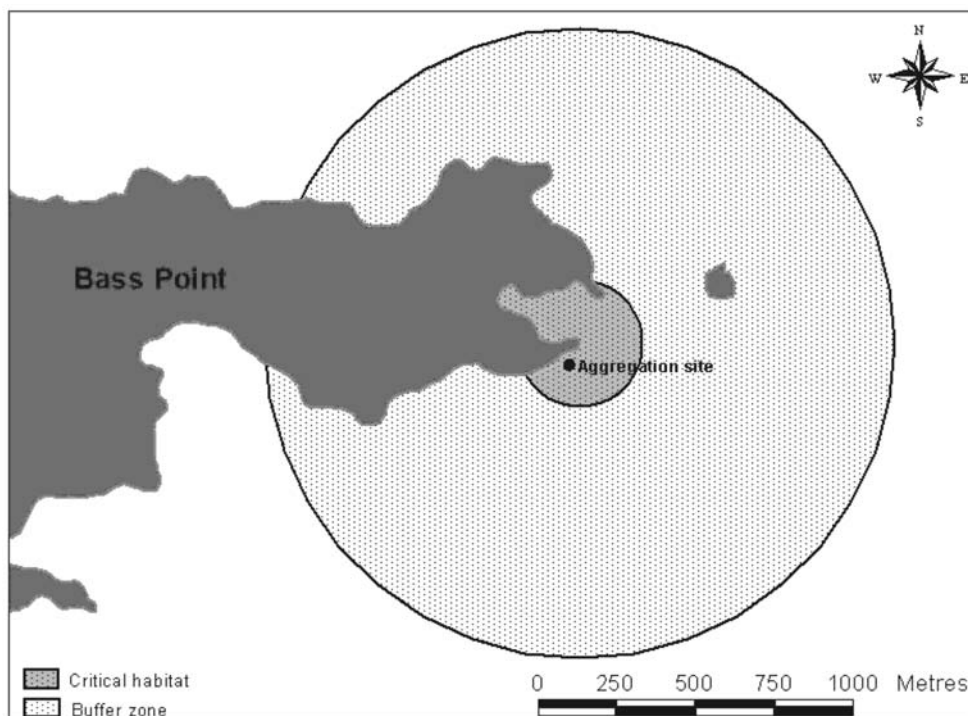
[15] Schedule 1A

Insert after Schedule 1:

**Schedule 1A Maps of critical habitat of grey nurse shark**

(Clause 3)

Map 1—Bass Point

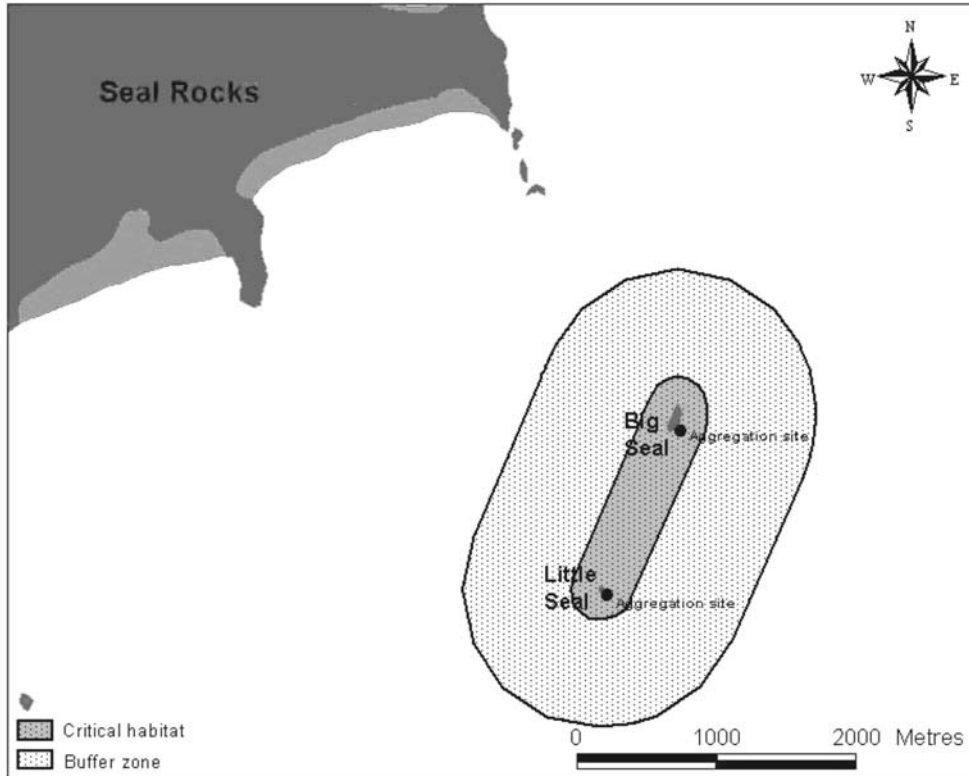


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**Map 2—Big and Little Seal Rocks**

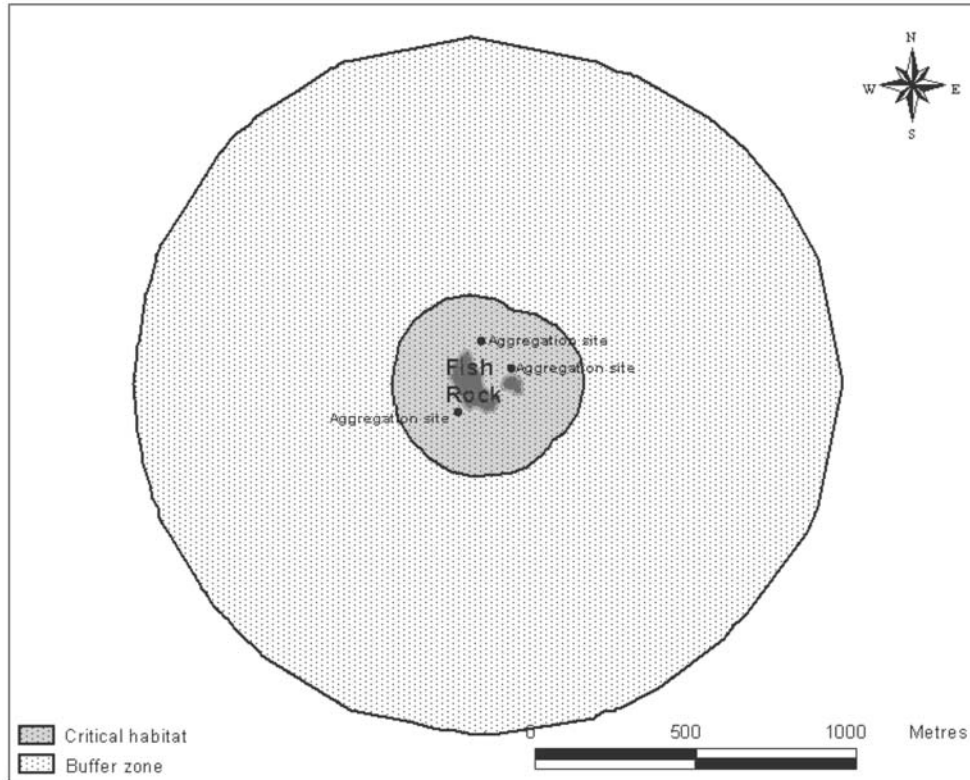




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**Map 3—Fish Rock**

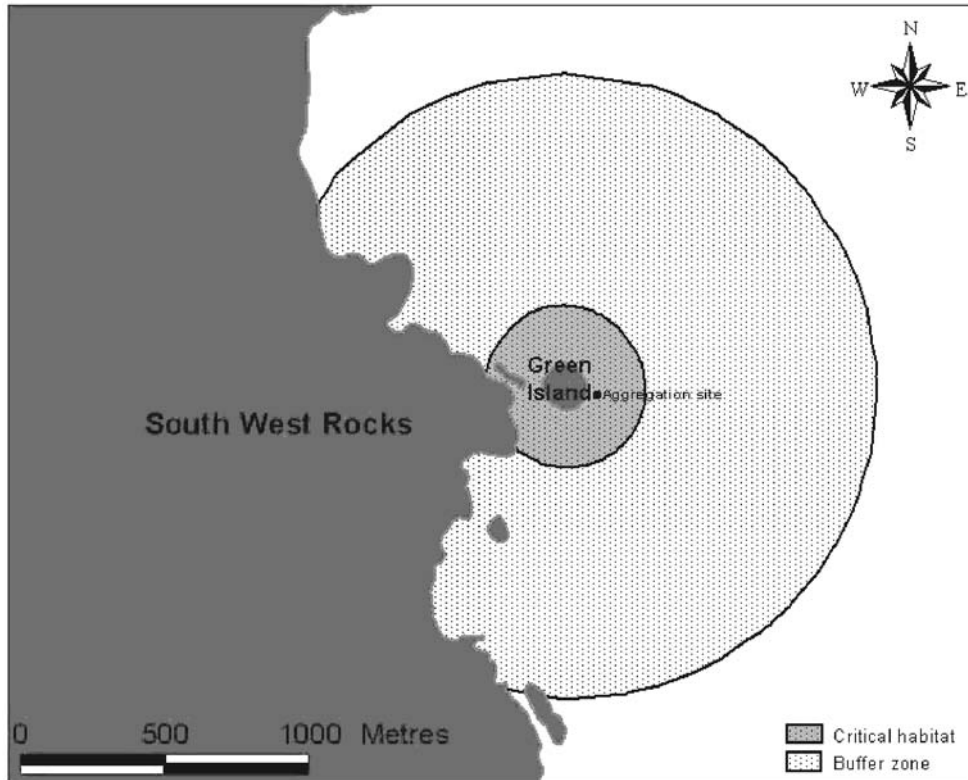


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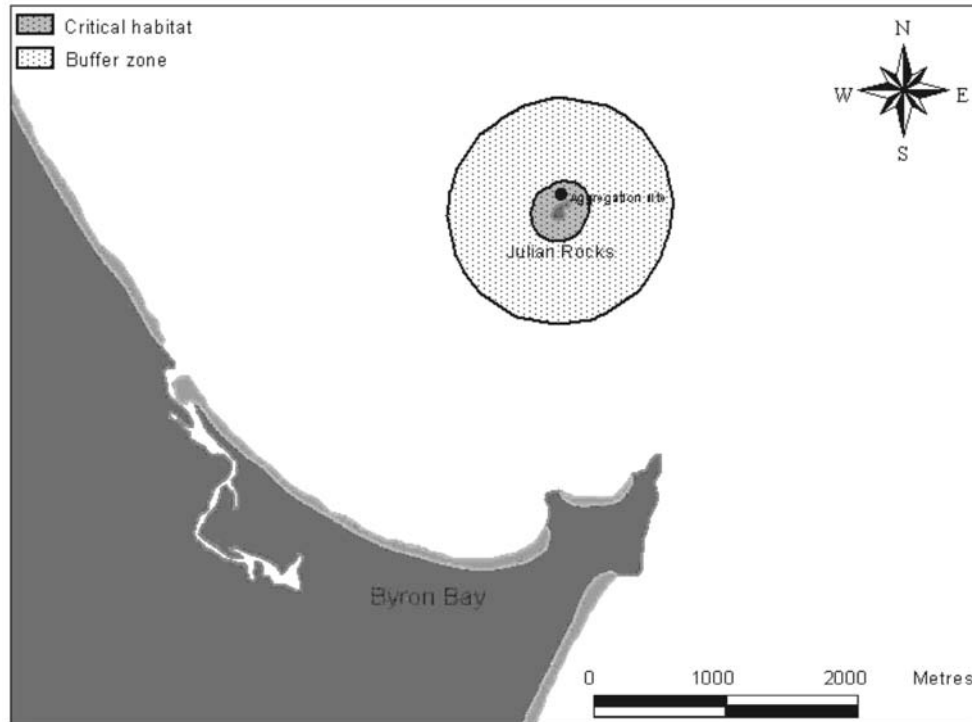
**Map 4—Green Island**



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**Map 5—Julian Rocks**

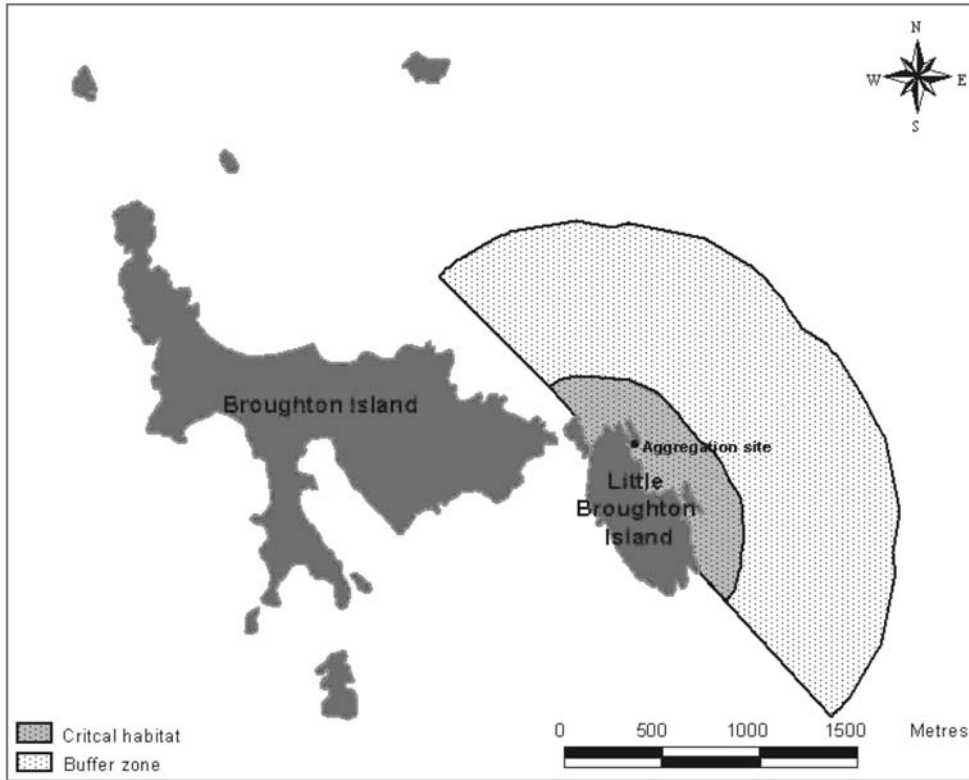


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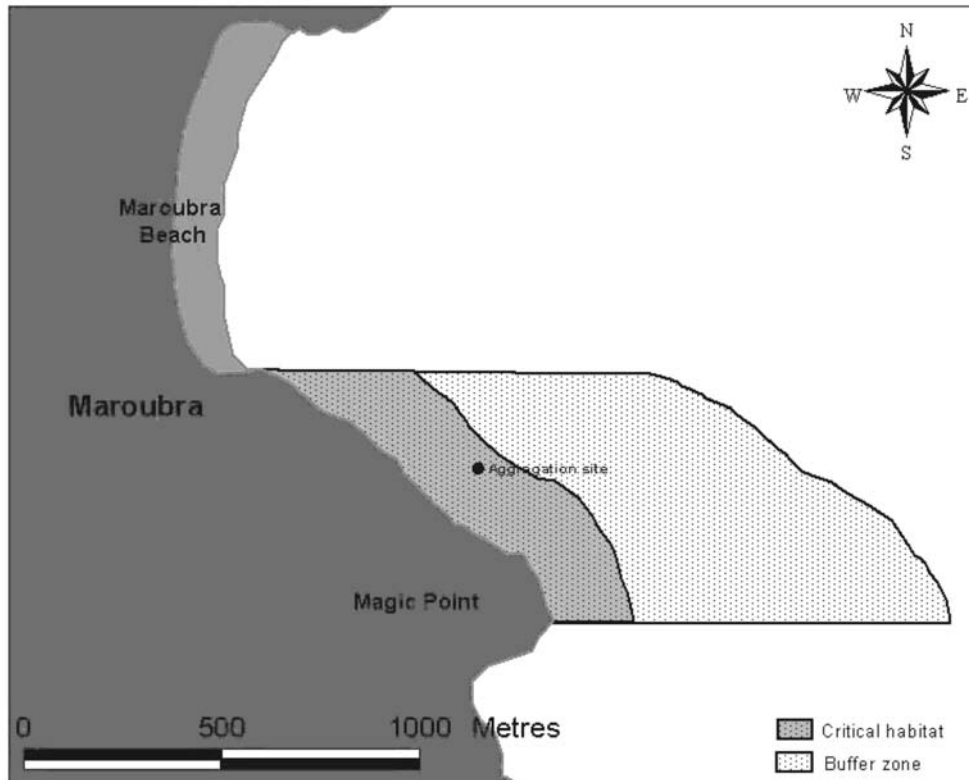
**Map 6—Little Broughton Island**



Fisheries Management (General) Amendment (Miscellaneous) Regulation 2002

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Map 7—Magic Point

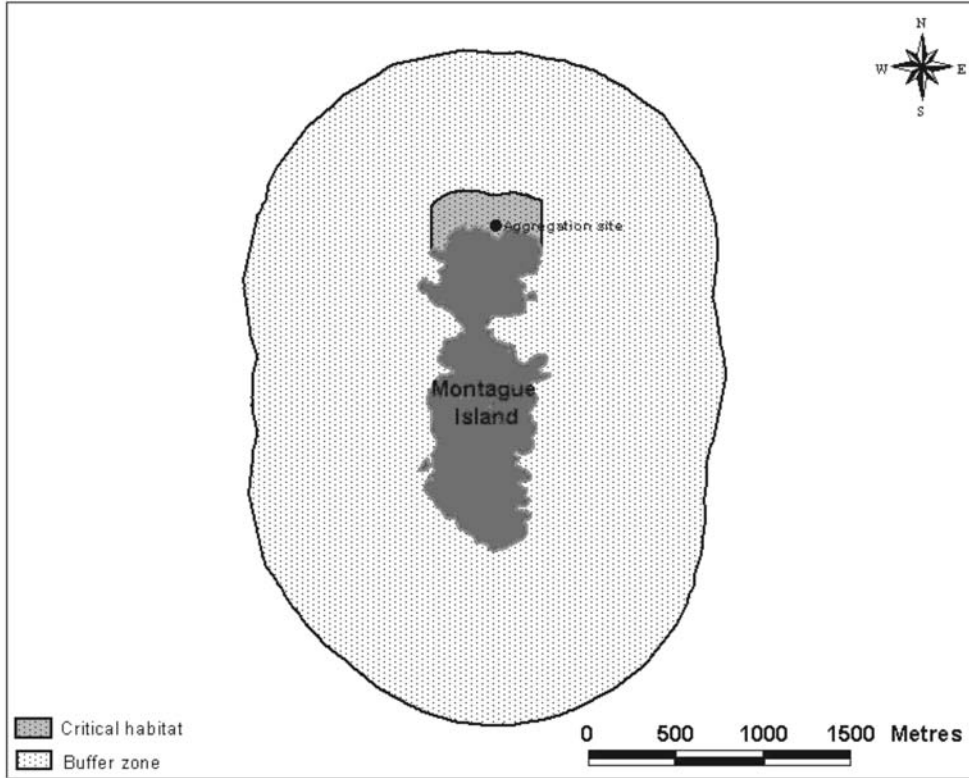


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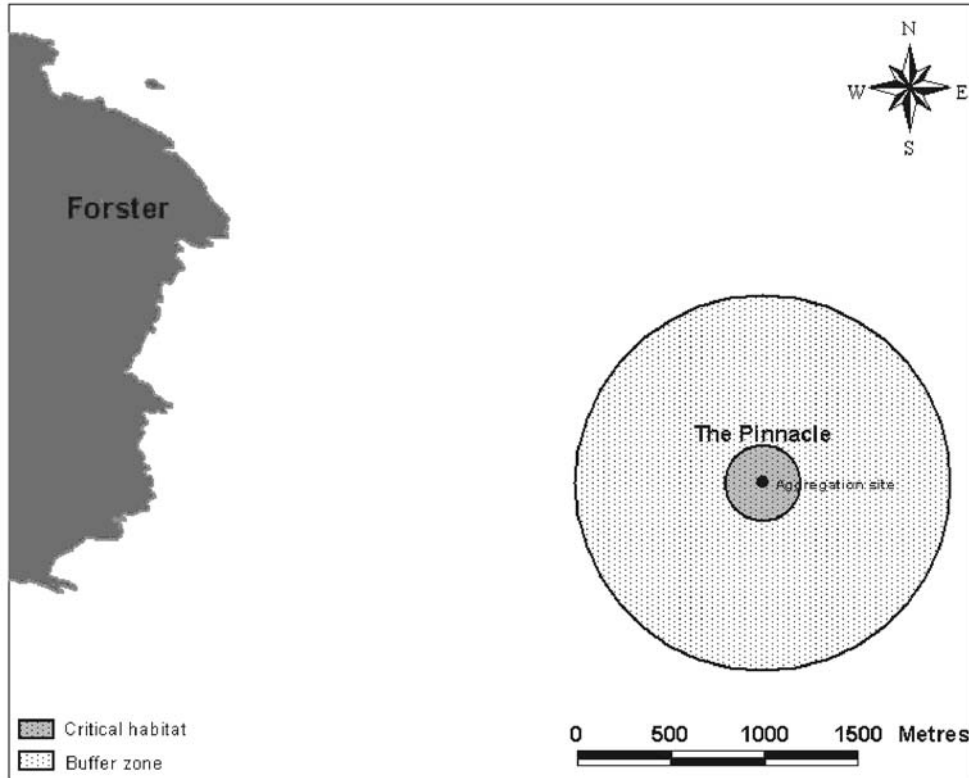
**Map 8—Montague Island**



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Schedule 1 Amendments

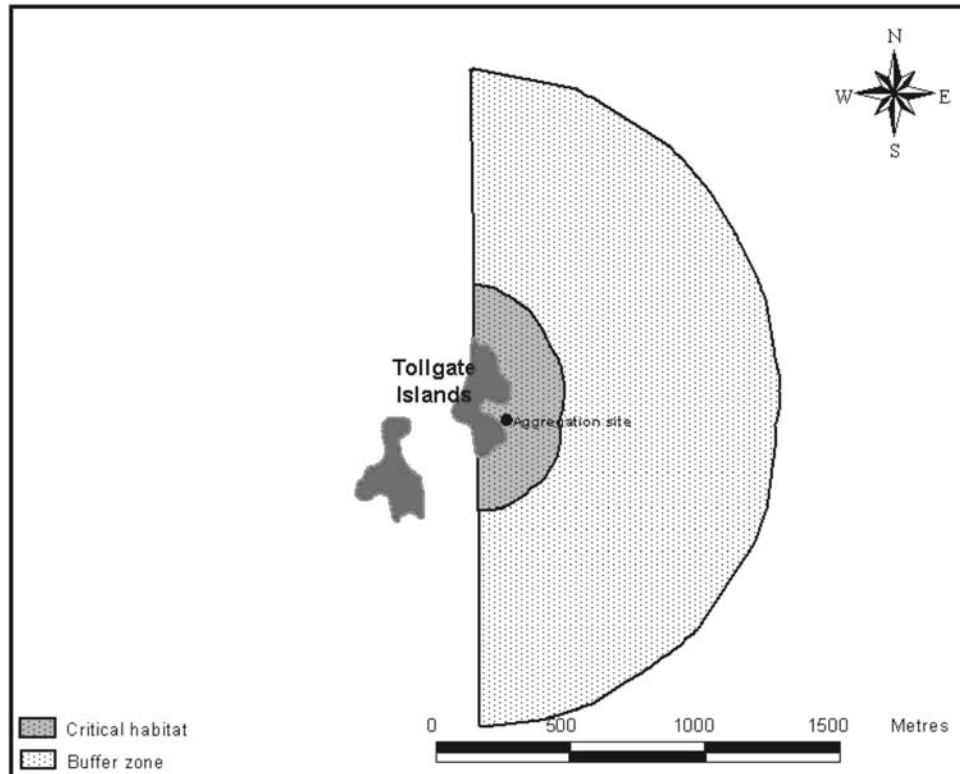
**Map 9—The Pinnacle (GPS position 32° 13.71'S, 152° 36.07'E)**



Fisheries Management (General) Amendment (Miscellaneous) Regulation  
2002

Amendments

Schedule 1

**Map 10—Tollgate Islands****[16] Schedule 5 Penalty notice offences**

Insert in numerical order of sections in Part 1:

Section 220ZC (1)	\$500
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Fisheries Management (General) Amendment (Miscellaneous) Regulation  
2002

Schedule 1 Amendments

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**[17] Schedule 5, Part 2**

Insert in numerical order of clauses:

Clause 20A	\$500
Clause 340B	\$500
Clause 340C	\$500
Clause 340D	\$500

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New South Wales

## Public Lotteries Amendment (Unclaimed Prizes) Regulation 2002

under the

Public Lotteries Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Lotteries Act 1996*.

J. RICHARD FACE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

Clause 4 (2) of the *Public Lotteries Regulation 2002* provides that an unclaimed prize in a public lottery may be disposed of by the licensee who conducted the public lottery in a manner and for a purpose approved by the Minister for the benefit of subscribers to public lotteries conducted by the licensee, or, in the case of an unclaimed Keno prize, for any other purpose approved of by the Minister. The object of this Regulation is to amend the *Public Lotteries Regulation 2002* to require a licensee to dispose of an unclaimed prize within a specified period after such an approval is given.

This Regulation is made under the *Public Lotteries Act 1996*, including sections 27 (9) and 83 (the general regulation-making power).

Clause 1 Public Lotteries Amendment (Unclaimed Prizes) Regulation 2002

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## **Public Lotteries Amendment (Unclaimed Prizes) Regulation 2002**

under the

Public Lotteries Act 1996

### **1 Name of Regulation**

This Regulation is the *Public Lotteries Amendment (Unclaimed Prizes) Regulation 2002*.

### **2 Amendment of Public Lotteries Regulation 2002**

The *Public Lotteries Regulation 2002* is amended by inserting after clause 4 (2):

- (2A) If the Minister approves of the disposal by a licensee of an unclaimed prize under subclause (2), the licensee must dispose of the unclaimed prize in the manner and for the purpose approved:
- (a) within the time, if any, specified in the approval, or
  - (b) if a time is not specified in the approval, within 10 days after the day on which the approval is given, or
  - (c) if the approval was given before the commencement of this subclause, within 10 days after that commencement.

# Public Authorities (Financial Arrangements) Amendment (Cancer Council) Regulation 2002

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL EGAN, M.L.C.,  
Treasurer

## Explanatory note

The object of this Regulation is to authorise the New South Wales Cancer Council to invest its funds in unit trusts and to retain property that is the subject of a gift, devise or bequest to the Council.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including clause 2 (c) of Schedule 4 and section 43 (the general regulation-making power).

Clause 1            Public Authorities (Financial Arrangements) Amendment (Cancer Council)  
Regulation 2002

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## **Public Authorities (Financial Arrangements) Amendment (Cancer Council) Regulation 2002**

### **1 Name of Regulation**

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Cancer Council) Regulation 2002*.

### **2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000**

The *Public Authorities (Financial Arrangements) Regulation 2000* is amended as set out in Schedule 1.

Public Authorities (Financial Arrangements) Amendment (Cancer Council)  
Regulation 2002

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 2)

### Clause 52O

Insert after clause 52N:

#### 52O Additional investment powers—Cancer Council

The following additional investments are prescribed in respect of the New South Wales Cancer Council (*the Council*) for the purposes of clause 2 (c) of Schedule 4 to the Act:

- (a) any investment in a unit trust scheme within the meaning of the *Duties Act 1997*,
- (b) in the case of funds of or under the control of the Council comprising property the subject of a gift, devise or bequest to the Council—investment in such manner as will enable the property to be retained by the Council in the form that the property was gifted, devised or bequeathed,
- (c) investment in such manner as may be necessary to enable the Council to act as provided by section 11 (3) of the *New South Wales Cancer Council Act 1995*.

# Public Health (General) Amendment (Prescribed Electrophysical Treatment) Regulation 2002

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

CRAIG KNOWLES, M.P.,  
Minister for Health

## Explanatory note

Section 10AD of the *Public Health Act 1991* makes it an offence for a person to provide a prescribed electrophysical treatment unless the person is a registered chiropractor, medical practitioner, osteopath, physiotherapist or podiatrist. ***Prescribed electrophysical treatment*** is defined in section 10AD as an electrophysical treatment prescribed by the regulations.

The object of this Regulation is to prescribe certain electrophysical treatments for the purposes of section 10AD.

This Regulation is made under the *Public Health Act 1991* (as amended by the *Physiotherapists Act 2001*), including section 10AD and section 82 (the general regulation-making power).

Clause 1            Public Health (General) Amendment (Prescribed Electrophysical Treatment) Regulation 2002

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## **Public Health (General) Amendment (Prescribed Electrophysical Treatment) Regulation 2002**

### **1 Name of Regulation**

This Regulation is the *Public Health (General) Amendment (Prescribed Electrophysical Treatment) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Public Health (General) Regulation 2002**

The *Public Health (General) Regulation 2002* is amended as set out in Schedule 1.

## **Schedule 1 Amendment**

(Clause 3)

### **Clause 20A**

Insert after clause 20:

#### **20A Prescribed electrophysical treatment**

For the purposes of section 10AD of the Act, the following electrophysical treatments are prescribed:

- (a) shortwave and microwave diathermy,
- (b) electrical stimulation by interferential current.





New South Wales

# Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*:

- (a) to ensure certain offences committed during the period 20 December 2002 to 1 January 2003 (inclusive) attract double demerit points, and
- (b) to increase the demerit points for exceeding the speed limit by not more than 15km/h from 1 to 2 demerit points (for offences that are not committed over a long weekend) and from 2 to 4 demerit points (for offences committed over a long weekend), and
- (c) to provide that the demerit points for driving a motor vehicle at a speed in excess of 130km/h are to be a minimum of 3 demerit points (for offences that are not committed over a long weekend) and a minimum of 6 demerit points (for offences committed over a long weekend), and
- (d) to prescribe speeding offences fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* for the purposes of the definition of **speeding offence** in section 33 (Cancellation or suspension of driver licence by Authority) of the Act.

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

Explanatory note

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This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 and 19 (the general regulation-making power).

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

---

## **Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation  
2002

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 36 Demerit points and offences

Insert at the end of paragraph (b) of the definition of *over a long weekend* in clause 36 (5):

20 December 2002 until 1 January 2003 (inclusive)

### [2] Clause 38A

Omit the clause. Insert instead:

#### 38A Prescribed offences for cancellation or suspension of licences

For the purposes of the definition of *speeding offence* in section 33 (5), the following offences are prescribed:

- (a) any offence that involves exceeding a speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* applicable to the relevant driver or vehicle by more than 30 kilometres per hour, or
- (b) any other offence that involves exceeding a speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* applicable to the relevant driver where the driver drives the vehicle concerned at a speed exceeding 130 kilometres per hour.

**Note.** Clause 11 of Schedule 3 to the Act provides that until a regulation is made under section 33 (5) of the Act, as amended by the *Road Transport (Driver Licensing) Amendment Act 1999*, the offences prescribed for the purposes of section 33 (5) are all those offences that involve exceeding any speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999*, applicable to the relevant driver or vehicle, by more than 30 kilometres per hour. The above provision is made under section 33 (5) of the Act as relevantly amended.

### [3] Schedule 1 Demerit points offences and penalties

Omit the following from Part 1:

Exceeding speed limit by more than 45 km/h	6	12	Rule 20 of <i>Australian Road Rules</i>
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Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation  
2002

## Amendments

## Schedule 1

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Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by not more than 15 km/h	1	2	Rule 20 of <i>Australian Road Rules</i>

## Insert instead:

Exceeding speed limit while driving at speed in excess of 130km/h:			Rule 20 of <i>Australian Road Rules</i>
(a) where the speed limit is exceeded by more than 45km/h	6	12	
(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8	
(c) where the speed limit is not exceeded by more than 30km/h	3	6	
Exceeding speed limit by more than 45km/h (where speed not in excess of 130km/h)	6	12	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by more than 30km/h but not more than 45km/h (where speed not in excess of 130km/h)	4	8	Rule 20 of <i>Australian Road Rules</i>

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation  
2002

Schedule 1 Amendments

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Exceeding speed limit by more than 15km/h but not more than 30km/h (where speed not in excess of 130km/h)	3	6	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by not more than 15km/h (where speed not in excess of 130km/h)	2	4	Rule 20 of <i>Australian Road Rules</i>

**[4] Schedule 1**

Omit the following from Part 2:

Exceeding speed limit by more than 45 km/h	6	12	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by not more than 15 km/h	1	2	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

Insert instead:

Exceeding speed limit while driving at speed in excess of 130km/h:			Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation  
2002

## Amendments

## Schedule 1

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(a)	where the speed limit is exceeded by more than 45km/h	6	12	
(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8	
(c)	where the speed limit is not exceeded by more than 30km/h	3	6	
	Exceeding speed limit by more than 45km/h (where speed not in excess of 130km/h)	6	12	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
	Exceeding speed limit by more than 30km/h but not more than 45km/h (where speed not in excess of 130km/h)	4	8	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
	Exceeding speed limit by more than 15km/h but not more than 30km/h (where speed not in excess of 130km/h)	3	6	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
	Exceeding speed limit by not more than 15km/h (where speed not in excess of 130km/h)	2	4	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

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New South Wales

# Road Transport (General) (Penalty Notice Offences) Amendment (Speeding and Registration) Regulation 2002

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002*:

- (a) to make amendments that are consequential on the making of the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002*, and
- (b) to increase the penalty payable for penalty notices issued in respect of vehicles having a GVM or GCM of more than 4.5 tonnes for offences under clause 85 of the *Road Transport (Vehicle Registration) Regulation 1998* from \$74 to \$448, and
- (c) to clarify the meaning of certain expressions terms and used in the Regulation.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).



Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment  
(Speeding and Registration) Regulation 2002

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## **Road Transport (General) (Penalty Notice Offences) Amendment (Speeding and Registration) Regulation 2002**

under the

Road Transport (General) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Speeding and Registration) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002**

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment  
(Speeding and Registration) Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Omit the definitions of *class A motor vehicle*, *class B motor vehicle* and *class C motor vehicle* from clause 3 (1).

Insert instead:

*class A motor vehicle* means:

- (a) a motor vehicle with a GVM not exceeding 4.5 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM not exceeding 4.5 tonnes.

*class B motor vehicle* means:

- (a) a motor vehicle with a GVM exceeding 4.5 tonnes but not exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 4.5 tonnes but not exceeding 12 tonnes.

*class C motor vehicle* means:

- (a) a motor vehicle with a GVM exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 12 tonnes.

### [2] Clause 3 (1)

Insert in alphabetical order:

**GCM** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

**GVM** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

### [3] Schedule 2 Penalty notice offences

Insert “(being a vehicle that is not driven at a speed in excess of 130km/h)” after “class A motor vehicle” in paragraph (a) of the matter relating to rule 20 of the *Australian Road Rules*.

Road Transport (General) (Penalty Notice Offences) Amendment  
(Speeding and Registration) Regulation 2002

Schedule 1 Amendments

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**[4] Schedule 2**

Insert after paragraph (a) of the matter relating to rule 20 of the *Australian Road Rules*:

- |      |  |   |       |
|------|--|---|-------|
| (a1) | in the case of a class A motor vehicle (being a vehicle that is driven at a speed in excess of 130km/h): |   |       |
|      | (i) where the speed limit applicable is not exceeded by more than 30 km/h                                | 1 | 197   |
|      | (ii) where the speed limit applicable is exceeded by more than 30 km/h but not more than 45km/h          | 1 | 549   |
|      | (iii) where the speed limit applicable is exceeded by more than 45km/h                                   | 1 | 1,515 |

**[5] Schedule 2**

Insert “(whether or not the vehicle is also driven at a speed in excess of 130km/h)” after “class B motor vehicle” in paragraph (b) of the matter relating to rule 20 of the *Australian Road Rules*.

**[6] Schedule 2**

Insert “(whether or not the vehicle is also driven at a speed in excess of 130km/h)” after “class C motor vehicle” in paragraph (c) of the matter relating to rule 20 of the *Australian Road Rules*.

**[7] Schedule 2**

Insert “(whether or not the vehicle is also driven at a speed in excess of 130km/h)” after “class B motor vehicle” in paragraph (a) of the matter relating to clause 38 (1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Road Transport (General) (Penalty Notice Offences) Amendment  
(Speeding and Registration) Regulation 2002

Amendments

Schedule 1

---

**[8] Schedule 2**

Insert “(whether or not the vehicle is also driven at a speed in excess of 130km/h)” after “class C motor vehicle” in paragraph (b) of the matter relating to clause 38 (1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**[9] Schedule 2**

Omit the following from the matter relating to the *Road Transport (Vehicle Registration) Regulation 1998*:

Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1);  
 Clause 32 (8); Clause 34 (3); Clause 39 (4); Clause 41 (2)  
 (a); Clause 41 (2) (b); Clause 43 (5); Clause 47 (3); Clause  
 51 (1) (b); Clause 51 (1) (c); Clause 51 (1) (d); Clause 51  
 (1) (e); Clause 51 (1) (f); Clause 51 (2); Clause 51 (3);  
 Clause 52; Clause 53; Clause 54 (1); Clause 55; Clause 57  
 (2); Clause 57 (4); Clause 57 (5); Clause 60 (3); Clause 61  
 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74;  
 Clause 75; Clause 84 (1); Clause 85; Clause 86

1, 2 74

Insert instead:

Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1);  
 Clause 32 (8); Clause 34 (3); Clause 39 (4); Clause 41 (2)  
 (a); Clause 41 (2) (b); Clause 43 (5); Clause 47 (3); Clause  
 51 (1) (b); Clause 51 (1) (c); Clause 51 (1) (d); Clause 51  
 (1) (e); Clause 51 (1) (f); Clause 51 (2); Clause 51 (3);  
 Clause 52; Clause 53; Clause 54 (1); Clause 55; Clause 57  
 (2); Clause 57 (4); Clause 57 (5); Clause 60 (3); Clause 61  
 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74;  
 Clause 75; Clause 84 (1); Clause 86

1, 2 74

Road Transport (General) (Penalty Notice Offences) Amendment  
(Speeding and Registration) Regulation 2002

Schedule 1 Amendments

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**[10] Schedule 2**

Insert after the matter relating to clause 84 (3) of the *Road Transport (Vehicle Registration) Regulation 1998*:

Clause 85:

- |     |   |      |     |
|-----|---|------|-----|
| (a) | in the case of a class A motor vehicle                          | 1, 2 | 74  |
| (b) | in the case of a class B motor vehicle or class C motor vehicle | 1, 2 | 448 |



New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

- (a) to provide for additional penalties where a person drives a motor vehicle at a speed in excess of 130km/h, and
- (a) to increase the minimum licence disqualification period on conviction for an offence of exceeding the speed limit by more than 45km/h from 3 months to 6 months, and
- (a) to increase the minimum licence disqualification period on conviction for an offence of exceeding the speed limit by more than 30km/h from 1 month to 3 months.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

Clause 1            Road Transport (Safety and Traffic Management) (Road Rules)  
                         Amendment (Speeding) Regulation 2002

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## **Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002**

under the

Road Transport (Safety and Traffic Management) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Speeding) Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 154 Penalties and disqualifications for speeding offences

Omit “subclauses (3)–(5)” from clause 154 (2).

Insert instead “subclauses (2A)–(5)”.

### [2] Clause 154 (2A)

Insert after clause 154 (2):

(2A) **Exceeding speed limit by driving at speed of more than 130km/h**

A person who commits a speeding offence by driving at a speed in excess of 130km/h is:

- (a) liable to a maximum penalty of 30 penalty units (in the case of a large motor vehicle) or 20 penalty units (in any other case), and
- (b) disqualified from holding a driver licence by a conviction for the offence:
  - (i) where the person exceeded the speed limit by more than 45 km/h—for 6 months (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order, or
  - (ii) where the person exceeded the speed limit by more than 30km/h but not more than 45km/h—for 3 months (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order, or
  - (iii) where the person exceeded the speed limit by 30km/h or less—for 1 month (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order.

### [3] Clause 154 (3)–(5)

Insert “to whom subclause (2A) does not apply” after “A person” wherever occurring in clause 154 (3)–(5).



Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Speeding) Regulation 2002

Schedule 1 Amendments

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**[4] Clause 154 (3) (b)**

Omit “3 months”. Insert instead “6 months”.

**[5] Clause 154 (4) (b)**

Omit “1 month”. Insert instead “3 months”.

**[6] Clause 154 (8) and (9)**

Insert after clause 154 (7):

(8) **Alternative verdicts in prosecutions of driving at speed in excess of 130km/h**

If on a prosecution of a person for an offence under subclause (2A), the court is satisfied that the person exceeded the relevant speed limit, but is not satisfied that the person was driving at a speed of more than 130 km/h, the court may:

- (a) convict the person of an offence under subsection (3) if it is satisfied that the speed limit was exceeded by more than 45km/h, or
- (b) convict the person of an offence under subsection (4) if it is satisfied that the speed limit was exceeded by more than 30km/h, or
- (c) convict the person of an offence under subsection (5) if it is not satisfied that the speed limit was exceeded by more than 30km/h.

(9) **Definitions**

In this clause:

***heavy motor vehicle*** means:

- (a) a motor vehicle that has a GVM exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination that has a GCM exceeding 12 tonnes.

***large motor vehicle*** means:

- (a) a coach, or
- (b) a motor vehicle that has a GVM exceeding 4.5 tonnes, or
- (c) a motor vehicle and trailer combination that has a GCM exceeding 4.5 tonnes.



New South Wales

# Road Transport (Vehicle Registration) Amendment (Exemptions) Regulation 2002

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 1998* to make it clear that interstate or foreign vehicles that are in New South Wales will be exempt from the requirement to be registered in this State only for so long as they comply with the conditions for that exemption.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including section 14 (the general regulation-making power) and sections 16 and 18 (2).

Clause 1 Road Transport (Vehicle Registration) Amendment (Exemptions)  
Regulation 2002

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## **Road Transport (Vehicle Registration) Amendment (Exemptions) Regulation 2002**

under the

Road Transport (Vehicle Registration) Act 1997

### **1 Name of Regulation**

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Exemptions) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Road Transport (Vehicle Registration) Regulation 1998**

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

Road Transport (Vehicle Registration) Amendment (Exemptions)  
Regulation 2002

Schedule 1 Amendments

---

## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 1 Application of Act and Regulation

Omit clause 3. Insert instead:

#### 3 Application of section 18 of Act to Part 2 vehicles

- (1) The use of a vehicle to which the registration provisions do not apply by reason of any provision of Part 2 is permitted under this Regulation for the purposes of section 18 (2) (b) of the Act, but only while those provisions do not apply to the vehicle.
- (2) Without limiting subclause (1), the use of a vehicle ceases to be permitted under this Regulation for the purposes of section 18 (2) (b) of the Act if at any time the registration provisions become applicable to the vehicle because the vehicle does not comply with an applicable condition or requirement of Part 2.

**Note.** Section 18 (1) of the Act makes it an offence for a person to use an unregistered registrable vehicle on a road or on a road related area. A vehicle is unregistered if it is not registered under the Act (see the definition of **registered** in section 4 of the Act). However, section 18 (2) (b) provides that section 18 (1) does not apply to the use of a registrable vehicle on a road or road related area if the use is otherwise permitted by the Act or under the regulations.

### [2] Schedule 1

Insert after clause 9 (2):

- (2A) The registration provisions will apply to a registrable vehicle referred to in subclause (1) if at any time the vehicle does not comply with, or ceases to comply with, one or more of the requirements of subclause (2).

**Note.** For example, the registration provisions will apply to a registrable vehicle referred to in subclause (1) if the vehicle ceases to carry conspicuously displayed in the required manner and condition all number-plates and labels that it is at that time required to carry in the jurisdiction where the vehicle is registered.



# Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002

under the

Sydney Turf Club Act 1943

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Turf Club Act 1943*.

J. RICHARD FACE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

Under existing provisions of the *Regulations for the Sydney Turf Club*, the directors of the Sydney Turf Club may determine the amounts of the entrance fee and annual subscription payable in respect of members of the Club. In so doing, the directors may determine that lesser amounts are payable in respect of junior members, senior members, supernumerary members and special members of the Club than amounts payable in respect of other members of the Club.

The object of this Regulation is to allow the directors of the Sydney Turf Club:

- (a) to determine that reduced amounts of entrance fees and annual subscriptions are payable in respect of such classes of members of the Club as the directors may from time to time determine, and
- (b) to exempt from payment of the entrance fee and annual subscription such classes of members of the Club as the directors may from time to time determine.

This Regulation is made under the *Sydney Turf Club Act 1943*, including sections 4 (8) and 32 (the general power to make regulations).

Clause 1            Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002

---

## **Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002**

under the

Sydney Turf Club Act 1943

### **1 Name of Regulation**

This Regulation is the *Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002*.

### **2 Amendment of Regulations for the Sydney Turf Club**

The *Regulations for the Sydney Turf Club* in the First Schedule to the *Sydney Turf Club Act 1943* are amended as set out in Schedule 1.

Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 20 Entrance fee and annual subscription

Omit “junior members, senior members, supernumerary members and special members of the Club” from clause 20 (2).

Insert instead “such classes of members of the Club as the directors may from time to time determine”.

### [2] Clause 20 (3) and (4)

Omit clause 20 (3). Insert instead:

- (3) The directors may exempt from payment of the entrance fee or annual subscription (or both) such classes of members of the Club as the directors may from time to time determine.
- (4) Subclauses (2) and (3), as in force immediately before the commencement of the *Sydney Turf Club Amendment (Fees and Subscriptions) Regulation 2002*, continue to have effect until such time as the directors make their first determination with respect to classes of members of the Club under subclause (2), as amended by that Regulation.

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## Rules

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New South Wales

# Supreme Court Rules (Amendment No 369) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 18 November 2002.

Steven Jupp

Secretary of the Rule Committee

### Explanatory note

The object of these rules is to amend the *Supreme Court Rules 1970* so as to insert a new provision to provide that appeals from decisions of masters relating solely to questions of costs in matters that have been otherwise finalised will, subject to the granting of leave, be to the Court of Appeal (under Division 4 of Part 60) rather than to the Supreme Court constituted by a Judge (under Division 3 of Part 60).



Rule 1 Supreme Court Rules (Amendment No 369) 2002

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## **Supreme Court Rules (Amendment No 369) 2002**

under the

Supreme Court Act 1970

### **1 Name of rules**

These rules are the *Supreme Court Rules (Amendment No 369) 2002*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 369) 2002

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Rule 2)

### Part 60, rule 17 (i)

Insert at the end of rule 17 (h):

, or

- (i) in proceedings determining a question of costs with respect to a matter that has been otherwise finalised.



# Supreme Court Rules (Amendment No 370) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 18 November 2002.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these rules is to amend the *Supreme Court Rules 1970* to provide that an originating process and a defence on a claim for damages, as originally filed and as amended, must not be filed unless the certification required under section 198L of the *Legal Profession Act 1987* is made. The form for the certification is also prescribed.

Section 198L of the *Legal Profession Act 1987* provides that a solicitor or barrister cannot file originating process or a defence on a claim for damages unless the solicitor or barrister certifies that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim or the defence (as appropriate) has reasonable prospects of success.

Rule 1 Supreme Court Rules (Amendment No 370) 2002

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## **Supreme Court Rules (Amendment No 370) 2002**

under the

Supreme Court Act 1970

### **1 Name of rules**

These rules are the *Supreme Court Rules (Amendment No 370) 2002*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 370) 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 2)

### [1] Part 1, rule 9A

Insert after rule 9A (1):

- (1A) A document that is an originating process on a claim for damages or a defence on a claim for damages, and any fresh document filed to amend such a document, must not be filed unless it includes a certification referred to in section 198L (2) of the *Legal Profession Act 1987* and made by the relevant solicitor or barrister in the form prescribed by Form 158.
- (1B) Notwithstanding anything in these rules, the obligation to comply with subrule (1A) must not be waived.

### [2] Schedule F Forms

Insert at the end of Forms 5, 9, 10, 11A, 11B, 17 and 19 the following:

Certification under section 198L of the *Legal Profession Act 1987*

I, (full name), certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that this claim (or, as the case may be, this defence/this cross-claim/this defence to cross-claim) has reasonable prospects of success.

(Signature) Date (Date certification signed)

Solicitor/barrister for the plaintiff/defendant/cross-claimant/cross-defendant (as the case may be)

### [3] Schedule F

Insert before “*(This form does not apply to proceedings in the Court of Appeal)*” wherever occurring in Forms 6 and 7 the following:

Certification under section 198L of the *Legal Profession Act 1987*

I, (full name), certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that this claim (or, as the case may be, this defence/this cross-claim/this defence to cross-claim) has reasonable prospects of success.

(Signature) Date (Date certification signed)

Solicitor/barrister for the plaintiff/defendant/cross-claimant/cross-defendant (as the case may be)

## Supreme Court Rules (Amendment No 370) 2002

Schedule 1 Amendments

---

**[4] Schedule F**

Insert after Form 157:

**Form 158**

P 1, r 9A (1A)

Certification under section 198L of the Legal Profession Act 1987

I, (full name), certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that this claim (or, as the case may be, this defence/this cross-claim/this defence to cross-claim) has reasonable prospects of success.

(Signature) Date (Date certification signed)

Solicitor/barrister for the plaintiff/defendant/cross-claimant/cross-defendant (as the case may be)

**[5] Schedule F**

Omit “158–160. (Repealed)” from the Index of Forms. Insert instead:

158. Certification under section 198L of the *Legal Profession Act 1987*.

159–160. (Repealed)

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## Orders

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# Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002

under the

Fisheries Management Act 1994

I, Eddie Obeid, the Minister for Fisheries, in pursuance of section 221IA of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 26th day of November 2002.

The Hon EDWARD OBEID, M.L.C.,  
and Minister for Fisheries

### Explanatory note

The aquatic ecological community in the natural drainage system of the lower Murray River catchment is listed as an endangered ecological community under the *Fisheries Management Act 1994*.

However, the Act enables the Minister for Fisheries to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat.

The object of this Order is to make such provision in relation to the continuation of certain recreational and commercial fishing activities in the natural drainage system of the lower Murray River catchment. The activities that are the subject of this Order may only continue subject to compliance with any applicable fishing regulatory controls. For example, the taking of silver perch is subject to compliance with the fishing closure made under section 8 of the *Fisheries Management Act 1994* which prohibits the taking of silver perch by all methods of fishing from New South Wales waters except, and only to the extent that it is otherwise lawful to do so, from the backed up waters of any dam or impoundment.

Fisheries Management (Continuation of Activities in Lower Murray River Catchment)  
Order 2002

Explanatory note

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To ensure that the ecological community in the natural drainage system of the lower Murray River catchment does not suffer any significant long term impact as a result of the fishing activities that are the subject of this Order, mitigation measures are proposed for the area that contains the endangered ecological community. These measures may include changes to the fishing regulatory controls to set a zero bag limit for freshwater catfish (*Tandanus tandanus*) and river blackfish (*Gadopsis marmoratus*), change the Murray crayfish (*Euastacus armatus*) bag and size limits to 5 per day over 9 centimetres orbit to carapace length (OCL), with only one crayfish greater than 12 centimetres OCL, and prohibit the capture of Murray crayfish in declared trout waters.

The recommendation of the Fisheries Scientific Committee referred to in this Order is available for inspection at all NSW Fisheries offices or the NSW Fisheries website at [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au).

This Order is made under section 221IA of the *Fisheries Management Act 1994*.



---

## Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002

### 1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002*.

### 2 Notes

Notes in the text of this Order do not form part of this Order.

### 3 Authorised activities

- (1) For the purposes of section 221IA of the *Fisheries Management Act 1994*, a person may carry out any of the activities listed in subclauses (2) and (3) subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take in the lower Murray River catchment, and possess, any of the following species and carry out any routine activity in connection with the taking or possessing of such species:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Caridina mccullochi* (freshwater shrimp),
  - (d) *Cherax destructor* (yabby),
  - (e) *Euastacus armatus* (Murray crayfish),
  - (f) *Maccullochella peelii peelii* (Murray cod),
  - (g) *Macquaria ambigua* (golden perch),
  - (h) *Bidyanus bidyanus* (silver perch),
  - (i) *Nematalosa erebi* (bony bream).
- (3) A person holding a commercial fishing licence with a class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may take in the lower Murray River catchment, possess and sell *Cherax destructor* (yabby), and carry out any routine activity in connection with the taking, possessing or selling of yabby.

Clause 3 Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002

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(4) In this clause:

***fishing regulatory controls*** has the same meaning as in section 115G of the *Environmental Planning and Assessment Act 1979*.

**Note.** Section 115G of the *Environmental Planning and Assessment Act 1979* defines fishing regulatory controls as the provisions of the following instruments that regulate, prohibit or authorise fishing activities:

- (a) the *Fisheries Management Act 1994* and the regulations under that Act,
- (b) management plans under the *Fisheries Management Act 1994*,
- (c) fishing closures under section 8 of the *Fisheries Management Act 1994*,
- (d) fisheries approvals,
- (e) determinations of the TAC Committee under Division 4 of Part 2 of the *Fisheries Management Act 1994*,
- (f) policies approved by the Fisheries Minister with respect to the administration of the *Fisheries Management Act 1994* and the regulations under that Act,
- (g) any relevant environmental planning instrument referred to in section 115R (5) of that Act,
- (h) Ministerial orders and interim orders made under Subdivision 1A of Division 6 of Part 7A of the *Fisheries Management Act 1994*.

***lower Murray River catchment*** means the natural drainage system of the lower Murray River catchment as described in the recommendation of the Fisheries Scientific Committee to list the aquatic ecological community in that system as an endangered community, published in Gazette No 196 of 21 December 2001 at page 10650.

**Note.** Included in the recommendation are all natural creeks, rivers, and associated lagoons, billabongs and lakes of the regulated portions of the Murray River (also known as the River Murray) downstream of Hume Weir, the Murrumbidgee River downstream of Burrinjuck Dam, the Tumut River downstream of Blowering Dam and all their tributaries anabranches and effluents including Billabong Creek, Yanco Creek, Colombo Creek, and their tributaries, the Edward River and the Wakool River and their tributaries, anabranches and effluents, Frenchmans Creek, the Rufus River and Lake Victoria. Excluded from this recommendation are the Lachlan River and the Darling River and their tributaries, and man made/artificial canals, water distribution and drainage works, farm dams and off-stream reservoirs.



# Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002

under the

Privacy and Personal Information Protection Act 1998

I, Bob Debus, in pursuance of clause 4 (b) of the *Privacy and Personal Information Protection Regulation 2000*, make the following Order.

Dated, this 27th day of November 2002.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Order is to prevent an Official Community Visitor appointed for the purposes of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* from being required to prepare a separate privacy management plan under section 33 of the *Privacy and Personal Information Protection Act 1998* and to instead allow a privacy management plan for Official Community Visitors to be included as part of the privacy management plan of the Ombudsman's Office.

This Order is made under clause 4 (b) of the *Privacy and Personal Information Protection Regulation 2000*.

Clause 1 Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002

---

## Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002

under the

Privacy and Personal Information Protection Act 1998

### 1 Name of Order

This Order is the *Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002*.

### 2 Commencement

This Order commences on 1 December 2002.

### 3 Declaration

It is declared, under clause 4 (b) of the *Privacy and Personal Information Protection Regulation 2000*, that a public sector agency in Column 1 of the Table to this clause is taken not to be a separate agency for the purposes of section 33 of the *Privacy and Personal Information Protection Act 1998* but is taken to be included in the public sector agency in Column 2 of the Table.

#### Table

Column 1	Column 2
an Official Community Visitor appointed for the purposes of the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>	Ombudsman's Office

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## Other Legislation

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New South Wales

# Critical Habitat of Grey Nurse Shark Notification 2002

under the

Fisheries Management Act 1994

I, Eddie Obeid, Minister for Fisheries, in pursuance of section 220T of the *Fisheries Management Act 1994*, make the following Notification.

Dated this 26th day of November 2002.

The Hon EDWARD OBEID, M.L.C.,  
Minister for Fisheries

### Explanatory note

The object of this Notification is to declare certain areas as critical habitat of the grey nurse shark (which is listed as an endangered species in Part 1 of Schedule 4 to the *Fisheries Management Act 1994*).

This Notification is made under section 220T of the *Fisheries Management Act 1994*.

Clause 1 Critical Habitat of Grey Nurse Shark Notification 2002

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## **Critical Habitat of Grey Nurse Shark Notification 2002**

under the

Fisheries Management Act 1994

### **1 Name of Notification**

This Notification is the Critical Habitat of Grey Nurse Shark Notification 2002.

### **2 Commencement**

This Notification takes effect on 1 December 2002.

### **3 Declaration of areas of critical habitat of grey nurse shark**

(1) The areas described in this clause are declared to be critical habitat of the grey nurse shark.

#### **(2) Bass Point (Shellharbour) critical habitat**

The waters, below the mean high water mark, within a radius of 200 metres of the southern headland of Bushrangers Bay, being the waters in the area shown shaded dark grey and stippled on Map 1 in Schedule 1.

#### **(3) Big and Little Seal Rocks critical habitats**

The waters below, and within a radius of 200 metres of, the mean high water marks of each of Big Seal Rock and Little Seal Rock (and the other waters between those Rocks), being the waters in the area shown shaded dark grey and stippled on Map 2 in Schedule 1.

#### **(4) Fish Rock (South West Rocks) critical habitat**

The waters below, and within a radius of 200 metres of, the mean high water mark of Fish Rock, being the waters in the area shown shaded dark grey and stippled on Map 3 in Schedule 1.

#### **(5) Green Island (South West Rocks) critical habitat**

The waters below, and within a radius of 200 metres of, the mean high water mark of Green Island, being the waters in the area shown shaded dark grey and stippled on Map 4 in Schedule 1.

- 
- (6) **Julian Rocks (Byron Bay) critical habitat**  
The waters below, and within a radius of 200 metres of, the mean high water mark of Julian Rocks, being the waters in the area shown shaded dark grey and stippled on Map 5 in Schedule 1.
- (7) **Little Broughton Island (Port Stephens) critical habitat**  
The waters below, and within a radius of 200 metres of, the mean high water mark of the northern side of the Island, but only between a line extending north-west of the most north-western point of the Island and a line extending south-east of the most south-eastern point of the Island, being the waters in the area shown shaded dark grey and stippled on Map 6 in Schedule 1.
- (8) **Magic Point (Maroubra) critical habitat**  
The waters below the mean high water mark and within 200 metres of the shore between a line extending due east of the southern end of Maroubra beach and a line extending due east from the most eastern point of Magic Point, being the waters in the area shown shaded dark grey and stippled on Map 7 in Schedule 1.
- (9) **Montague Island critical habitat**  
The waters below, and within a radius of 200 metres of, the mean high water mark of the northern side of the Island, but only between a line extending due north from the most north-western point of the Island and a line extending due north from the most north-eastern point of the Island, being the waters in the area shown shaded dark grey and stippled on Map 8 in Schedule 1.
- (10) **The Pinnacle critical habitat**  
The waters below, and within a radius of 200 metres of, the Forster Pinnacle (GPS position 32°13.71'S, 152°36.07'E), being the waters in the area shown shaded dark grey and stippled on Map 9 in Schedule 1.
- (11) **Tollgate Islands critical habitat**  
The waters below, and within a radius of 200 metres of, the mean high water mark of the eastern side of the most easterly Island, but only between a line extending due north from the most northern point of that Island and a line extending due south from the most southern point of that Island, being the waters in the area shown shaded dark grey and stippled on Map 10 in Schedule 1.
-

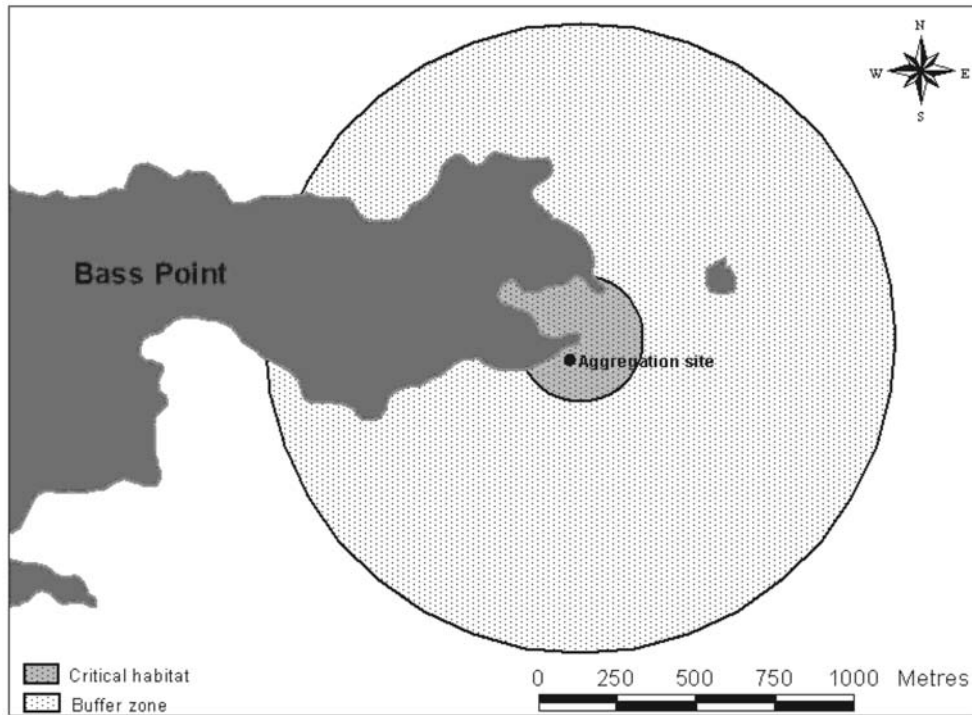
Critical Habitat of Grey Nurse Shark Notification 2002

Schedule 1 Maps of critical habitat of grey nurse shark

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**Schedule 1 Maps of critical habitat of grey nurse shark**  
(Clause 3)

**Map 1—Bass Point**



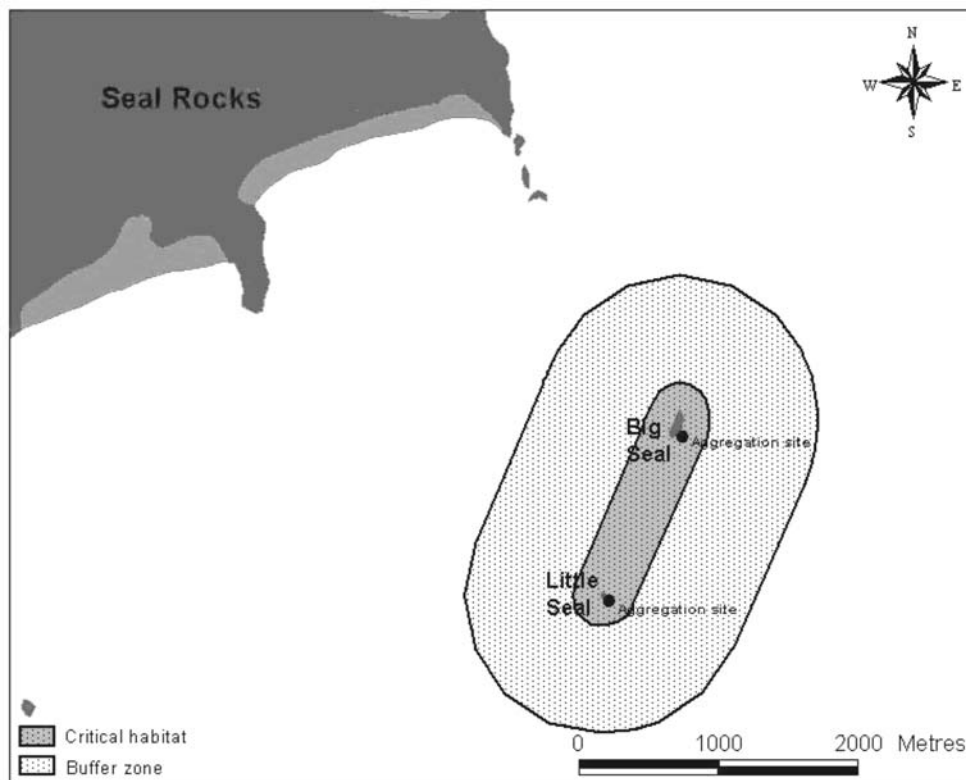


Critical Habitat of Grey Nurse Shark Notification 2002

Maps of critical habitat of grey nurse shark

Schedule 1

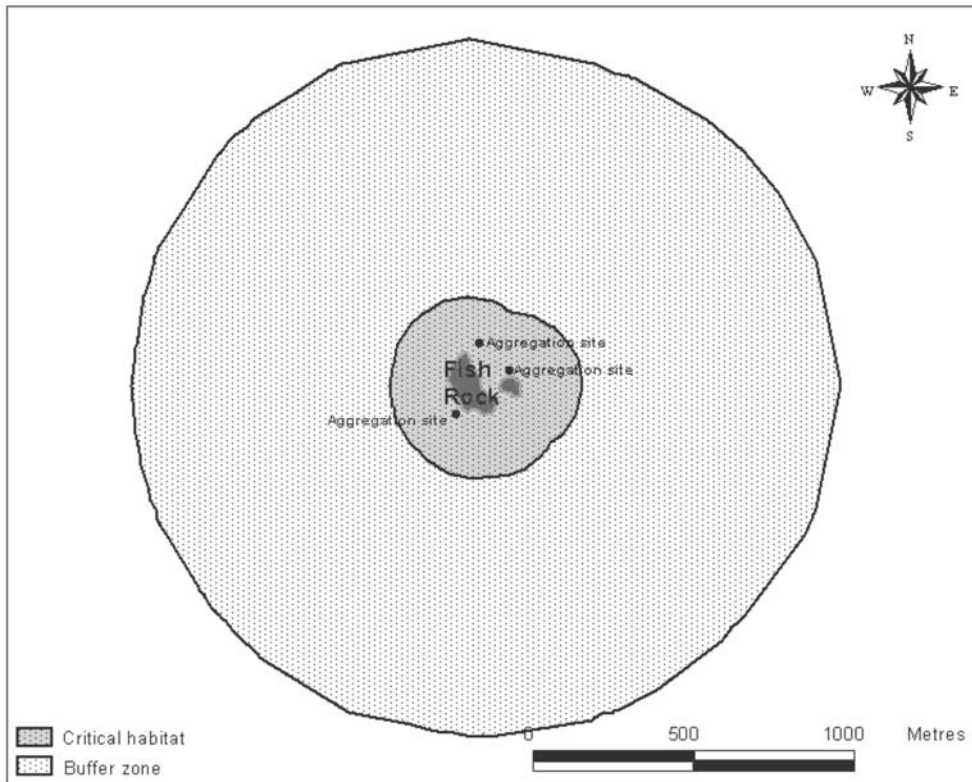
**Map 2—Big and Little Seal Rocks**



Critical Habitat of Grey Nurse Shark Notification 2002

Schedule 1 Maps of critical habitat of grey nurse shark

**Map 3—Fish Rock**

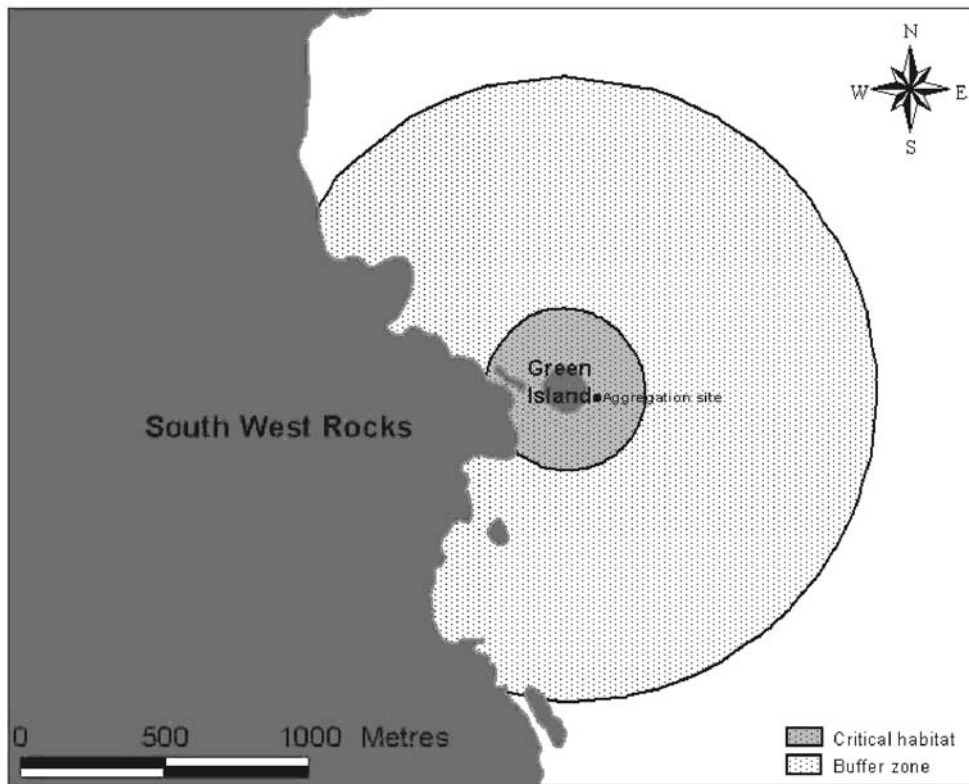


Critical Habitat of Grey Nurse Shark Notification 2002

Maps of critical habitat of grey nurse shark

Schedule 1

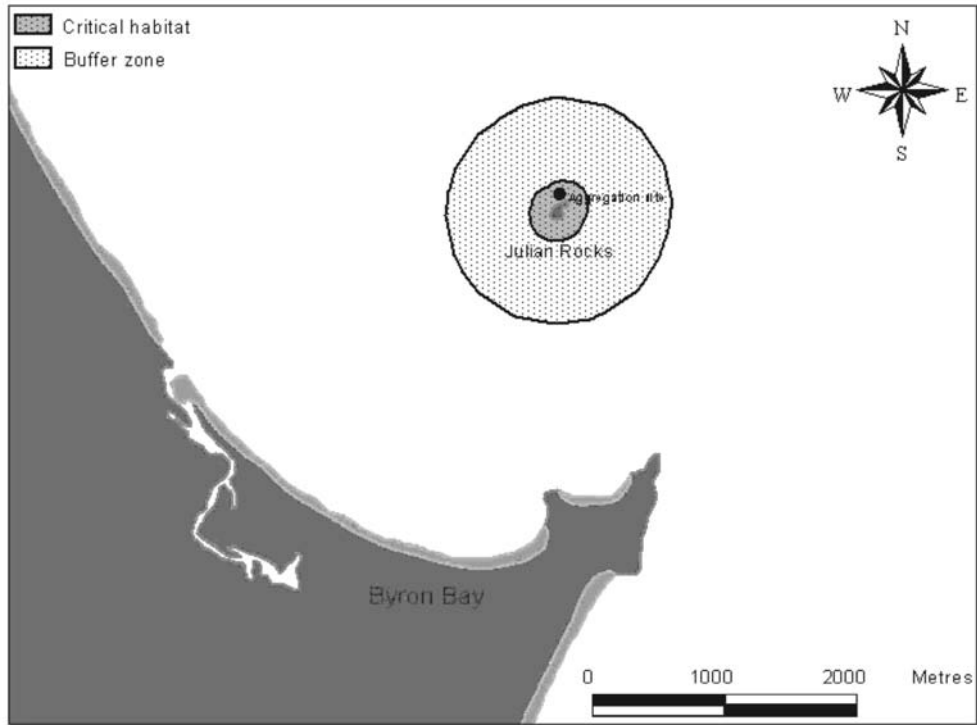
**Map 4—Green Island**



Critical Habitat of Grey Nurse Shark Notification 2002

Schedule 1 Maps of critical habitat of grey nurse shark

**Map 5—Julian Rocks**

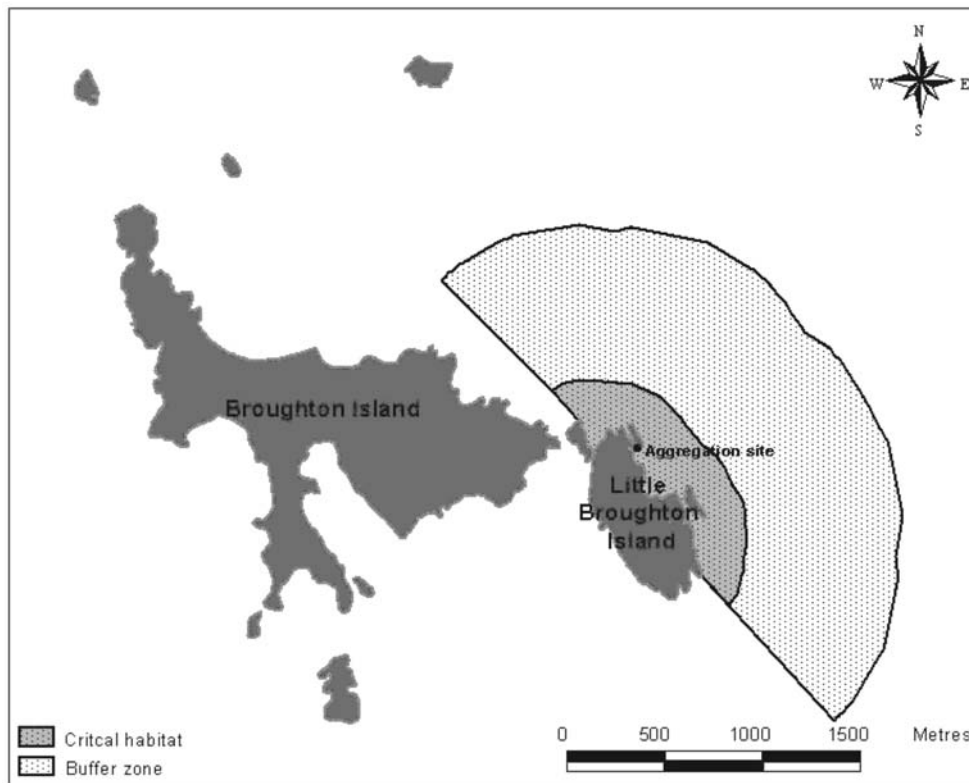


Critical Habitat of Grey Nurse Shark Notification 2002

Maps of critical habitat of grey nurse shark

Schedule 1

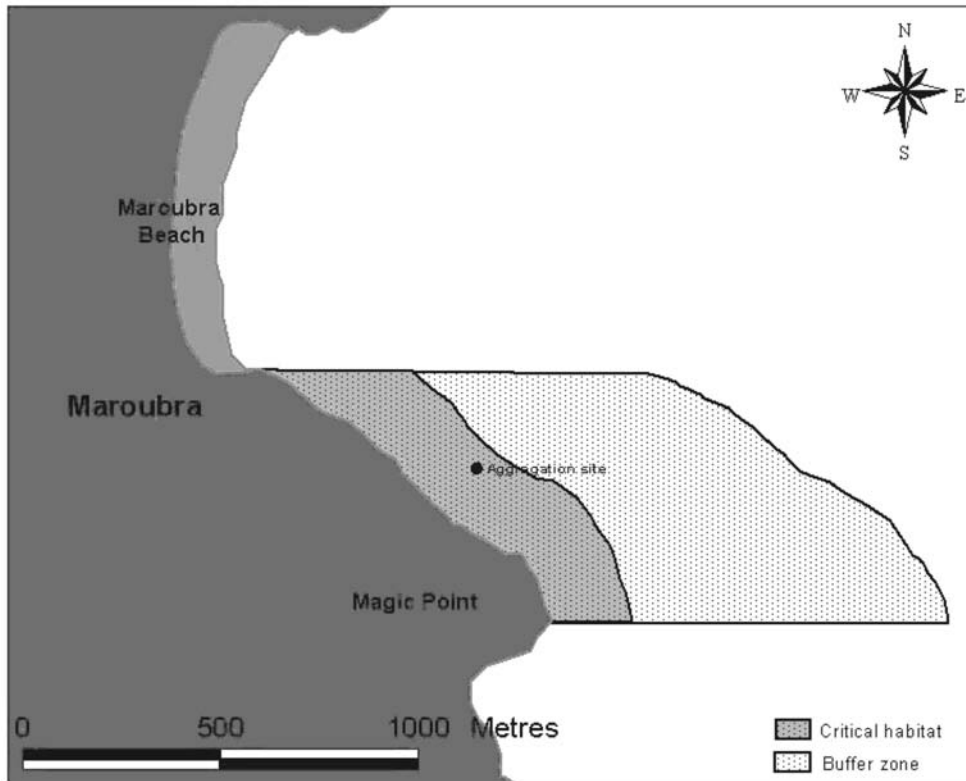
**Map 6—Little Broughton Island**



Critical Habitat of Grey Nurse Shark Notification 2002

Schedule 1 Maps of critical habitat of grey nurse shark

Map 7—Magic Point

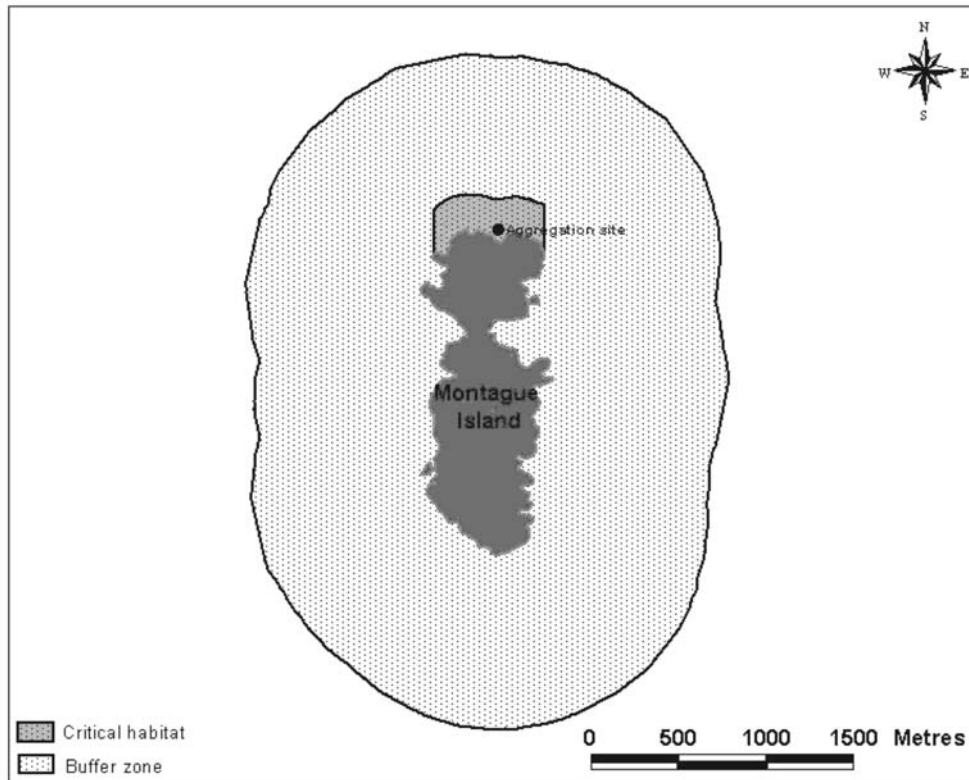


Critical Habitat of Grey Nurse Shark Notification 2002

Maps of critical habitat of grey nurse shark

Schedule 1

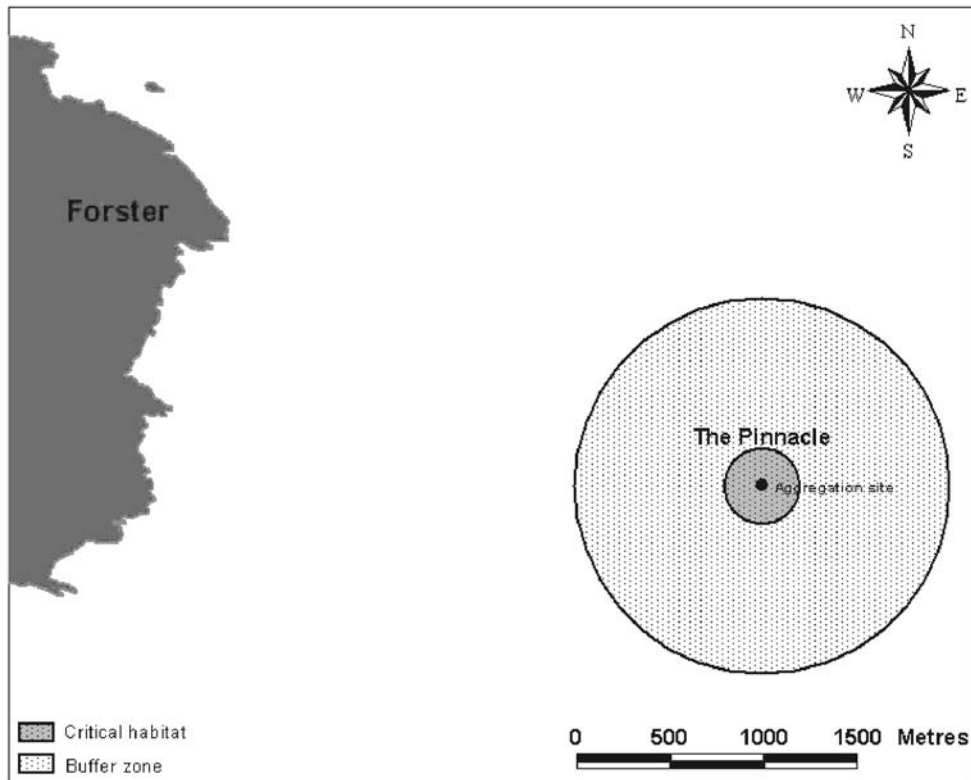
**Map 8—Montague Island**



Critical Habitat of Grey Nurse Shark Notification 2002

Schedule 1 Maps of critical habitat of grey nurse shark

**Map 9—The Pinnacle**



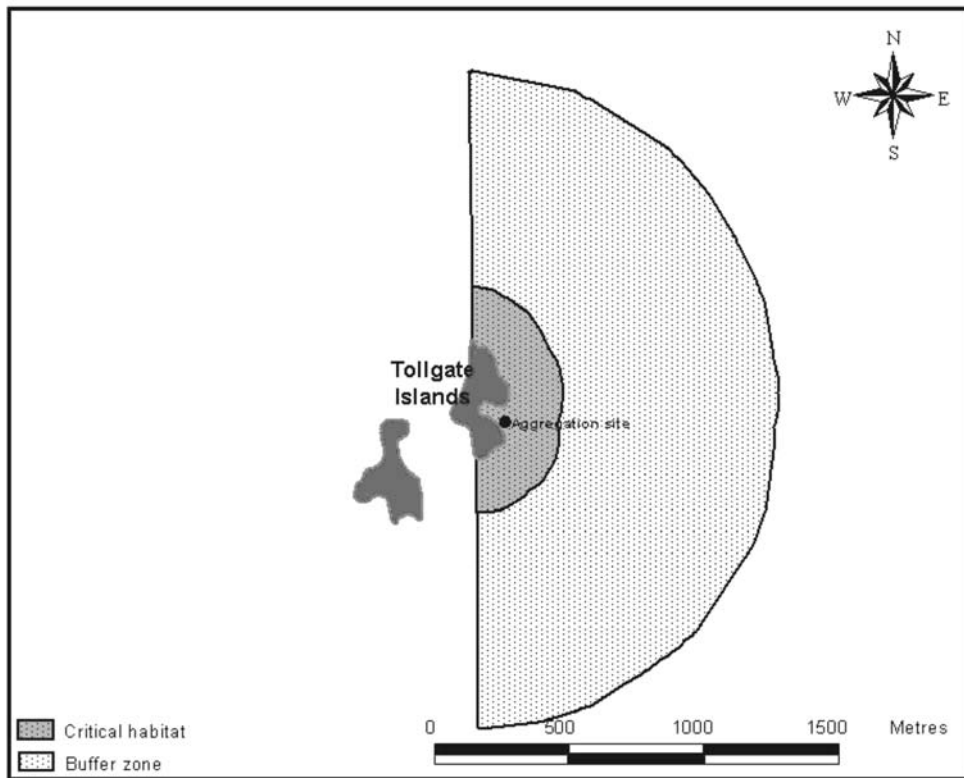


Critical Habitat of Grey Nurse Shark Notification 2002

Maps of critical habitat of grey nurse shark

Schedule 1

**Map 10—Tollgate Islands**



# Threatened Species Conservation Act 1995 No 101

## Notice of Final Determination and Amendment of Schedule 3 to Act

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following matter in Schedule 3 to that Act (Key threatening processes) and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Competition from feral honey bees, *Apis mellifera* L.

The final determination to insert this matter in Schedule 3 has been made because the Scientific Committee is of the opinion that competition from feral honey bees could cause species, populations or ecological communities that are not threatened to become threatened.

Copies of the final determination may be inspected at:

The National Parks Centre  
102 George St  
The Rocks  
Sydney

and at all Area Offices and Visitor Centres of the National Parks and Wildlife Service during business hours.

Signed at Sydney, this 19th day of September 2002.

Dr Chris Dickman  
Chairperson  
Scientific Committee

Threatened Species Conservation Act 1995 No 101—Final Determination

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**Annexure “A”**

**Schedule 3** to the *Threatened Species Conservation Act 1995* is amended by inserting in alphabetical order the matter:

Competition from feral honey bees, *Apis mellifera* L.

# OFFICIAL NOTICES

## Appointments

### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

#### Serious Offenders Review Council Appointment of Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the appointment of Thomas KENNY as a community member of the Serious Offenders Review Council for a period of three (3) years dating on and from 15 December 2002 up to and including 14 December 2005.

RICHARD AMERY, M.P.,  
Minister for Corrective Services  
and Minister for Agriculture

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**NSW Agriculture**

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**EXOTIC DISEASES OF ANIMALS ACT 1991**

## SECTION 15

Revocation of Orders with respect to an outbreak of the exotic disease Small Hive Beetle

I, Richard Fredrick Sheldrake, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991*, in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991* do hereby revoke all the Orders made by me in respect of the exotic disease Small Hive Beetle (*Aethina tumida*) including:

- A. Certification that an outbreak of the exotic disease Small Hive Beetle exists in the State of New South Wales made on 1 November 2002 published in *Government Gazette* No. 196 of 29 October 2002, p. 9277;
- B. Restricted Area declared on 14 November 2002 published in *Government Gazette* No. 225 of 22 November 2002, p. 9880;
- C. Binglong Restricted Area declared on 15 November 2002 published in *Government Gazette* No. 225 of 22 November 2002, p. 9876;
- D. Cowra/Woodstock Restricted Area declared on 15 November 2002 published in *Government Gazette* No. 225 of 22 November 2002, p. 9878;
- E. Stroud Restricted Area declared on 5 November 2002 published in *Government Gazette* No. 210 of 8 November 2002, p. 9475;
- F. And any Orders revived as a result of the revocation of the above Orders.

R. F. SHELDRAKE  
Director-General

Dated: 26 November 2002.

**EXOTIC DISEASES OF ANIMALS ACT 1991**

## ORDER

Declaration of exotic disease for the purposes of the *Exotic Diseases of Animals Act 1991*

I, RICHARD FREDRICK SHELDRAKE, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991*, in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991*, pursuant to section 6A of the Act, do hereby REMOVE Small Hive Beetle (*Aethina tumida*) as an exotic disease for the purposes of the Act from the list of exotic diseases declared by the Minister for Agriculture on 3 July 2002 and published in *Government Gazette* No. 119 of 19 July 2002, p. 5475.

RICHARD SHELDRAKE,  
Director-General

Dated: 26 November 2002.

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## NSW Fisheries

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### FISHERIES MANAGEMENT ACT 1994

#### Section 8 Notification — Fishing Closure

##### Freshwater fishing

I, Edward Obeid, prohibit the taking of fish by the methods of fishing described in Column 1 of the Schedule of this notification, from the waters described in Column 2 of the schedule, for the period described in Column 3 of the schedule, subject to the conditions specified.

This prohibition will be effective from 1 December 2002 to 30 November 2007, inclusive.

The Hon EDWARD OBEID OAM, MLC,  
Minister for Mineral Resources  
Minister for Fisheries

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#### Schedule

##### Freshwater Catfish and River Blackfish Murray and Murrumbidgee Rivers and tributaries

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all methods.	<u>Murray River:</u> The whole of the waters of the Murray River and its tributaries.	All year
	<u>Murrumbidgee River:</u> The whole of the waters of the Murrumbidgee River and its tributaries.	All year

#### Conditions:

1. This schedule only applies to the taking of freshwater catfish (*Tandanus tandanus*) and river blackfish (*Gadopsis marmoratus*).
  2. If taken accidentally these species must be returned to the water immediately and unharmed.
-

# Department of Land and Water Conservation

## Land Conservation

### FAR WEST REGIONAL OFFICE

Department of Land and Water Conservation  
 45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830  
 Phone: (02) 6883 3000 Fax: (02) 6883 3099

#### ALTERATION OF PURPOSE OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

*Administrative District – Wentworth; Shire – Wentworth;  
 Parish – Euston; County – Taila*

The purpose of Western Lands Leases 14362, being the land contained within Folio Identifier 2/1046695 has been altered from “Grazing” to “Cultivation and Conservation” effective from 27 November 2002.

As a consequence of the alteration of purpose annual rental has been determined at \$2275.00 for the next five (5) year period of the term of the leases and the conditions previously annexed to Western Lands Lease 14362 have been revoked and the following conditions have been annexed thereto.

#### CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 14362

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Land and Water Conservation as the Minister may from time to time approve.
  - (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
  - (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.  
 (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
  - (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be as determined by the local land board for each period of 5 years of the term of the lease, except where a rent is bid at auction or tendered under Section 19C(5) of the Western Lands Act 1901.
  - (5) The rent shall be due and payable annually in advance on 22 July in each year.
  - (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.  
 “GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.  
 (b) Notwithstanding any other provision of this Agreement:
    - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
    - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey, assign or sublet the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The land leased shall be used only for the purpose of Cultivation and Conservation.
- (10) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (11) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (12) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (13) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (14) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (15) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (16) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (17) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (18) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (19) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (20) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (21) The lessee shall comply with requirements of section 18DB of the Western Lands Act 1901 which provides that, except in the circumstances referred to in subsection (4) of that section, any native vegetation on the land the subject of the lease, and any part of the land that is protected land, must not be cleared except in accordance with the Native Vegetation Conservation Act 1997.
- (22) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under sub section (6) is complied with.



- (23) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (except noxious plants and those "woody weeds" specified in Clause 28(1) and parts 9 and 13 in Schedule 4 of the Regulations) on the following parts of the land leased:
- (a) between the banks of, and within strips at least 20 metres wide along each bank of, any creek or defined watercourse;
  - (b) within strips at least 30 metres wide on each side of the centre line of any depression, the sides of which have slopes in excess of 1 (vertically) in 4 (horizontally), that is, approximately 14 degrees;
  - (c) where the slopes are steeper than 1 (vertically) in 3 (horizontally), that is, approximately 18 degrees;
  - (d) within strips not less than 60 metres wide along the tops of any ranges and main ridges;
  - (e) not in contravention of section 21CA of the Soil Conservation Act 1938.
- In addition to the foregoing requirements of this condition, the lessee shall preserve on so much of the land leased as is not the subject of a clearing licence (where possible, in well distributed clumps or strips) not less than an average of 30 established trees per hectare, together with any other timber, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Commissioner to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.
- (24) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless a clearing licence has been issued pursuant to section 18DB of the Western Lands Act 1901, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (25) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (26) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (27) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (28) The lessee shall not grant any grazing rights over the land leased or any part thereof, or agist stock on the land leased or any part thereof, or enter into a share farming agreement in respect of the land leased or any part thereof, without having first obtained the written consent of the Minister and, if any stock not owned by the lessee are found depasturing on the land leased without consent, it shall be prima facie evidence of a breach of this condition.
- (29) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (30) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (31) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (32) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (33) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (34) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997 particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.

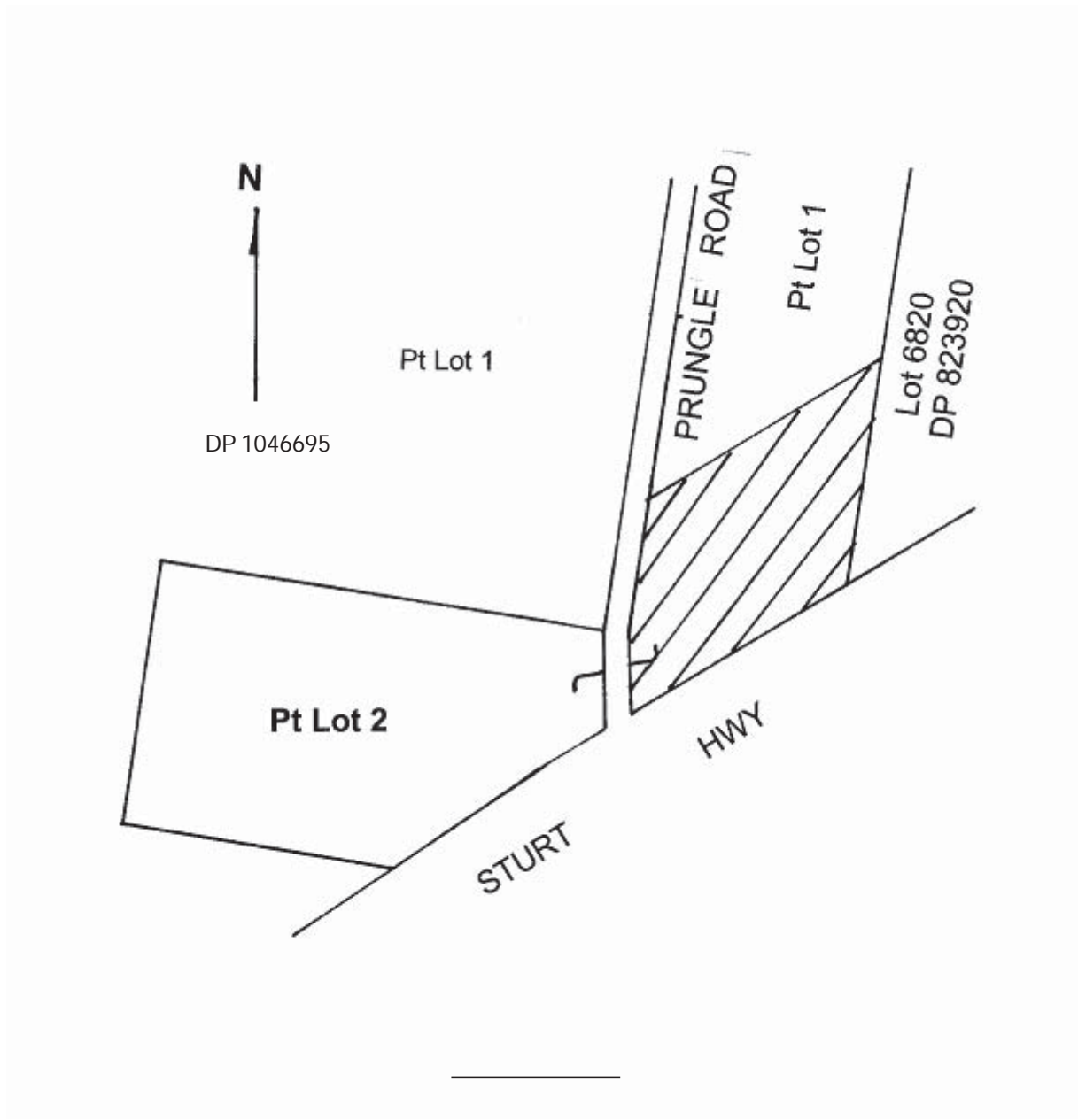
- (35) The lessee shall erect and maintain a domestic stockproof standard fence surrounding an area of 25.03 hectares being the area shown hatched on the diagram hereunder and ensure the area remains ungrazed by both domestic stock and feral animals.
- (36) The lessee shall not clear any vegetation or remove any timber within the area shown hatched on the diagram hereunder unless written approval has been granted by either the Commissioner or the Minister.

*Administrative District and Shire – Wentworth;  
Parish – Various; County – Tara*

The purpose of Western Lands Leases 2550, 2551, 2552, 2553 and 2554 being the lands contained within folio identifiers 12/756181, 45/756181, 5178/761488, 11/756181, 44/756181 and 580/761592 has been altered from "Grazing" to "Grazing and Farm Tourism", effective from 27 November 2002.

The purpose of Western Lands Lease 4282 being the land contained within folio identifiers 6/756181, 7/756181, 5080/705035, 5081/705036 and 5082/705037 has been altered from "Pastoral Purposes" to "Pastoral Purposes and Farm Tourism", effective from 27 November 2002.

The annual rentals will remain unaltered as a consequence of the alteration of purpose. Conditions previously annexed to such leases will also remain unaltered except for the addition of those special conditions published in *Government Gazette* of 8 March 2002, Folio 1478.



**GRAFTON OFFICE**  
**Department of Land and Water Conservation**  
**76 Victoria Street (Locked Bag 10), Grafton, NSW 2460**  
**Phone: (02) 6640 2000 Fax: (02) 6640 2035**

**DISSOLUTION OF RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Kikoira Public Recreation Reserve Trust	Reserve No. 71567 Public Purpose: Public Recreation Notified: 29th June 1945 File Reference: GH89R131/3

Notes: Due to be amalgamated with Kikoira Public Hall Reserve Trust.

SCHEDULE

COLUMN 1	COLUMN 2
Kikoira Public Hall Trust	Reserve No. 64091 Public Purpose: Public Hall Notified: 4 August 1933 File Reference: GH89R149/2

Notes: Due to be amalgamated with Kikoira Public Recreation Reserve Trust

**APPOINTMENT OF ADMINISTRATOR TO  
 MANAGE A RESERVE TRUST**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Peter Edward Baumann	Coramba Recreation Reserve Trust	Reserve No. 87204 Public Purpose: Public Recreation Preservation of Native Flora Notified: 6 June 1969 File Reference: GF81R338

For a term commencing 22 November 2002 and expiring 21 May 2003.

**APPOINTMENT OF ADMINISTRATOR TO  
 MANAGE RESERVE TRUSTS**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedules hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trusts specified opposite thereto in Column 2, which are trustees of the reserves referred to in Column 3 of the Schedules.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Bonalbo (R89284) Reserve Trust	Reserve No. 89284 Public Purpose: Public Recreation Notified: 20 September 1974 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Bonalbo Norman Johnston Memorial Park Reserve Trust	Reserve No. 70864 Public Purpose: Public Recreation Notified: 9 April 1943 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Cedar Point (R63033) Reserve Trust	Reserve No. 63033 Public Purpose: Public Recreation Notified: 13 November 1931 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Fairy Mount (R69277) Reserve Trust	Reserve No. 69277 Public Purpose: Public Recreation Notified: 7 June 1940 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Green Pigeon Community Centre (R91367) Reserve Trust	Reserve No. 91367 Public Purpose: Community Centre Notified: 26 January 1979 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Horseshoe Creek (R57458) Reserve Trust	Reserve No. 57458 Public Purpose: Public Recreation Notified: 26 September 1924 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Horseshoe Creek (R82860) Reserve Trust	Reserve No. 82860 Public Purpose: Public Recreation Notified: 21 October 1960 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 8

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Kyogle (R87232) Reserve Trust	Reserve No. 87232 Public Purpose: Public Recreation Notified: 20 June 1969 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 9

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Kyogle Recreation Area (R69556) Reserve Trust	Reserve No. 69556 Public Purpose: Public Recreation Notified: 27 September 1940 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 10

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Lynch's Creek (R86485) Reserve Trust	Reserve No. 86485 Public Purpose: Public Recreation Notified: 27 October 1967 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 11

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	OLD Bonalbo (R86567) Reserve Trust	Reserve No. 86567 Public Purpose: Public Recreation Notified: 22 December 1967 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 12

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Urbenville (R83461) Reserve Trust	Reserve No. 83461 Public Purpose: Public Recreation Showground Notified: 22 September 1961 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 13

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Wadeville (R91046) Reserve Trust	Reserve No. 91046 Public Purpose: Public Recreation Notified: 24 February 1978 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 14

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Wiangaree (R57843) Reserve Trust	Reserve No. 57843 Public Purpose: Public Recreation Notified: 13 March 1925 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 15

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Woodenbong (R42886) Reserve Trust	Reserve No. 42886 Public Purpose: Public Recreation Notified: 15 July 1908 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

## SCHEDULE 16

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph Massey-Reed	Bean Creek Falls (R86624) Reserve Trust	Reserve No. 86624 Public Purpose: Public Recreation Notified: 9 February 1968 File Reference: GF02R29

For a term commencing 1 December 2002 and expiring 31 May 2003.

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,  
Minister

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Description

*Land District – Lismore; Shire – Byron*

Road closed: Lot 1, DP 1046025, at Federal, Parish Clunes, County Rous.

File No.: GF01H160.

Note: On closing, the land within Lot 1 remains vested in the State of New South Wales as Crown land.

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

Pursuant to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserves referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

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SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Byron Shire Council	Byron Shire Holiday Parks Reserve Trust	Reserve No. 49122 Public Purpose: Preservation Of Native Flora Public Recreation Notified: 30 July 1913 Reserve No. 74701 Public Purpose: Public Recreation Notified: 18 January 1952 Reserve No. 82999 Public Purpose: Resting Place Public Recreation Notified: 6 January 1961 Reserve No. 91536 Public Purpose: Caravan And Camping Park Notified: 17 August 1979 File Reference: GF02R72/1

For a term commencing this day.

**PLAN OF MANAGEMENT FOR A CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 1990**

A DRAFT plan of management has been prepared for the Crown reserve described hereunder, which is under the trusteeship of the Clarence Coast Reserve Trust.

Inspection of the draft plan can be made at:

1. Department of Land and Water Conservation  
76 Victoria Street, Grafton NSW 2460;
2. Maclean Shire Council chambers  
River Street, Maclean NSW 2463;
3. Brushgrove Post Office  
Clarence Street, Brushgrove NSW 2460;

during normal business hours.

Representations are invited from the public on the draft plan. These may be made in writing for a period of 42 days commencing from 2 December 2002 and should be sent to the Land Access Manager, North Coast, Department of Land and Water Conservation, Locked Bag 10, Grafton NSW 2460.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

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DESCRIPTION OF RESERVE

*Land District – Grafton; Parish – Woodford*

Reserve 90732, notified in the *Government Gazette* of 11 March 1977 comprising Lot 7013, DP 92605.

Location: Island End Reserve, Brushgrove.

File No: GF02 R 87

Local Government Area: Maclean Shire Council.

County: Clarence.

Public Purpose: Public Recreation.

**MOREE OFFICE**  
**Department of Land and Water Conservation**  
**Frome Street (PO Box 388), Moree, NSW 2400**  
**Phone: (02) 6752 5055 Fax: (02) 6752 1707**

**NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be public roads and the rights of passage and access that previously existed in relation to these roads are extinguished.

JOHNAQUILINA, M.P.,  
Minister for Land and Water Conservation

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Description

*Land District – Bingara;*  
*Council – Bingara*

Lots 1, 2 and 3 in D.P. 1046441, Parish Bingara, County Murchison. File Reference: ME01H366.

Note: Upon closure, the land vests in the Crown as Crown land.

**ORANGE OFFICE**

**Department of Land and Water Conservation**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6393 4300 Fax: (02) 6362 3896**

**NOTIFICATION OF PROPOSED CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

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 Description

*Land District Lithgow;  
 Town of Clarence*

Ian & Erica de Beuzeville. Proposed closing of the public road east of Lots 16 DP 751650 and 4 DP 251935, Parish of Lett, County of Cook. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE87H396.

**NOTIFICATION OF PROPOSED CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

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 Description

*Land District — Bathurst;  
 City of Bathurst*

Bathurst City Council. Proposed closing of the public road between Lot 14 DP 834625 and Lot 1 DP 749856, Parish of Mount Pleasant, County of Bathurst. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE02H293.

**NOTIFICATION OF PROPOSED CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

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 Description

*Land District Rylstone;  
 LGA Rylstone*

Darryl Robbins. Proposed closing of the public road north of Lots 10 & 1 and east of Lots 10 & 9 Section 1 DP 758249, Parish of Clandulla County of Roxburgh. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE02H292.

**NOTIFICATION OF PROPOSED CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

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 Description

*Land District — Molong;  
 LGA — Cabonne*

Edwin and Fiona Hodges. Proposed closing of the public road east of Lot 68 DP 753248 and north, east and south of Lot 67 DP 753248, Parish of Rocky Ponds, County of Gordon. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE02H95.

### NOTIFICATION OF PROPOSED CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

—————  
Description

*Land District Orange;  
LGA Oberon*

Oberon Council. Proposed closing of the public road separating Lots 2 DP 862575, 68 DP 805063, 87 DP 870737 from Lots 3 DP 862575, 71 DP 805063 & 94 DP 870737 and the road separating Lot 68 DP 805063 from 87 DP 870737, Parish of Norway, County of Westmoreland. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE02H365.

### ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

—————  
SCHEDULE

COLUMN 1	COLUMN 2
Bedgerebong Cemetery Trust	Reserve No. 23069 Public Purpose: Plantation To Cemetery Notified: 6 November 1895 Dedication No. 1004228 Public Purpose: Cemetery Notified: 6 November 1895 File Reference: OE02R2/1

### ESTABLISHMENT OF A RESERVE TRUST AND APPOINTMENT OF A TRUST MANAGER

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust which is the trustee of a reserve specified in Column 3 of the schedule at the date hereof is dissolved.

Pursuant to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in column 1 of the schedule hereunder is established under the name stated in that column and is appointed as trustee of the reserve specified opposite in column 3.

Pursuant to section 95 of the Crown Lands Act 1989, the corporation specified in column 2 of the schedule is appointed to manage the affairs of the reserve trust specified in column 1 which is trustee of the reserve referred to in column 3.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation.

—————  
SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Edith Rural Bushfire Trust	Oberon Council	Reserve No. 86143 Public Purpose: Bush Fire Brigade Purposes Notified: 20 January 1967 File Reference: OE02R4

For a term commencing this day.



**SYDNEY METROPOLITAN OFFICE**  
**Department of Land and Water Conservation**  
**2-10 Wentworth Street (PO Box 3935), Parramatta, NSW 2124**  
**Phone: (02) 9895 7503 Fax: (02) 9895 6227**

**NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act, 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

JOHNAQUILINA, M.P.,  
 Minister for Land and Water Conservation.

—————  
 Descriptions

*Land District – Penrith; L.G.A. – Blacktown*

Lots 1 and 2, DP 1038361 at Glendenning, Parish Rooty Hill, County Cumberland (being land in CT Vol. 152 Folio 155)

MN01H6

Notes: 1] On closing, titles for the land in lots 1 and 2 remain vested in Blacktown City Council as community land.

2] The road is closed subject to an easement for water main, an easement for telecommunication services and an easement for gas main as shown in DP 1038361.

—————  
 Descriptions

*Land District – Metropolitan; L.G.A. – Pittwater*

Lot 100, DP 1046195 at Elanora Heights, Parish Narrabeen, County Cumberland (being land in CT Vol 3152 Folio 23).

MN00H343

Notes: 1] On closing, title for the land in lot 100 remains vested in Pittwater Council as operational land.

2] The road is closed subject to an easement for electricity purposes as shown in DP 1046195.

—————  
 Descriptions

*Land District – Picton; L.G.A. – Wollondilly*

Lot 1, DP 1046958 at Wilton, Parish Wilton, County Camden.

MN02H38

Note: On closing, title for the land in lot 1 remains vested in the Crown.

**DECLARATION OF LAND TO BE CROWN LAND**

PURSUANT to Section 138 of the Crown Lands Act, 1989, the land described in the Schedule hereunder, is declared to be Crown land within the meaning of that Act.

JOHNAQUILINA, M.P.,  
 Minister for Land and Water Conservation.

—————  
 SCHEDULE

Land held by Leichhardt Council

*Land District – Metropolitan; L.G.A. – Leichhardt;  
 Parish – Petersham; County – Cumberland*

1113 m<sup>2</sup> at Rozelle [formerly part Manning Street] being Lot 3 DP 879129.

File No. MN98H20.

**TAREE OFFICE**

**Department of Land and Water Conservation**  
**102-112 Victoria Street (PO Box 440), Taree, NSW 2430**  
**Phone: (02) 6552 2788 Fax: (02) 6552 2816**

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

PURSUANT to clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

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**SCHEDULE**

COLUMN 1 Mattys Flat Reserve (R86775) Trust	COLUMN 2 Reserve No: 86775 Public Purpose: Public Recreation Notified: 21 June 1968 Location: South West Rocks Parish: Arakoon County: Macquarie
---	--

TE80R269

Please note any lease or licence current for this reserve remains unaffected by this notice.

**APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

---

**SCHEDULE**

COLUMN 1 Dulcie Edna O'LEARY	COLUMN 2 Kundabung Public Recreation Reserve Trust	COLUMN 3 Reserve No. 63576 Public Purpose: Public Recreation Notified: 21 October 1932 Reserve No. 81084 Public Purpose: Public Recreation Notified: 26 September 1958 File Reference: TE80R184/3
------------------------------------	---	--

For a term commencing this day and expiring 28 May 2003.

**WAGGA WAGGA REGIONAL OFFICE**

**Department of Land and Water Conservation**  
**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650**  
**Phone: (02) 6921 2503 Fax: (02) 6921 1851**

**NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

---

**Description**

*Parish – Palmer; County – Urana;  
 Land District – Urana; Shire – Jerilderie*

Lot 1 in DP 1040511.

File No WA00H16.

Note: On closing, the land within the former Council public road will remain vested in the Council of the Shire of Jerilderie as operational land.

## Water Conservation

### WATER ACT 1912

AN application under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the Act.

An application for a licence, under section 10 of Part 2 of the Water Act 1912, has been received as follows:

#### *Murray River Valley*

Adrian John DANIELS and Carolyn Rosemary DANIELS for a pump on the Edward River on Lot 25, DP 877116, Parish of South Deniliquin, County of Townsend, for water supply for stock and domestic purposes (new licence) (Reference: 50SL75542)(GA2:477254).

Any enquiries regarding the above should be directed to the undersigned (Telephone: [03] 5881 9200).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within twenty-eight (28) days of the date of this publication.

L. J. HOLDEN,  
A/Senior Natural Resource Officer,  
Murray Region.

Department of Land and Water Conservation,  
PO Box 205, Deniliquin, NSW 2710.

### WATER ACT 1912

#### Notice Under Section 22B — Pumping Restrictions

Georges, Cooks and Parramatta River catchments and minor coastal catchments on the eastern seaboard between and including Narrabeen Lake through to Kurnell.

THE Water Administration Corporation, pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available or likely to be available in the Georges, Cooks and Parramatta River catchments and minor coastal catchments on the eastern seaboard between and including Narrabeen Lake through to Kurnell is insufficient to meet all requirements with respect to the taking of water from those waterways. Accordingly, the Water Administration Corporation hereby gives notice to all holders of permits, authorities and licences for irrigation purposes under Part 2 of the Water Act 1912, that from Friday, 29 November 2002 and until further notice, the right to pump from the Georges, Cooks and Parramatta River catchments and minor coastal catchments on the eastern seaboard between and including Narrabeen Lake through to Kurnell is RESTRICTED as follows:

- a maximum of two hours per day between 6.00 p.m. and 8.00 p.m.

This restriction excludes water supply for stock and domestic purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation — \$22,000: or in the case of a continuing offence to a further penalty not exceeding \$2,200 per day.

- (b) where the offence was committed by any other person \$11,000: or in the case of a continuing offence to a further penalty not exceeding \$1,100 per day.

This restriction will be reviewed over the summer months and may be further tightened if significant rains are not received.

Dated this 21st day of November 2002.

B. GRAHAM,  
A/Resource Access Manager,  
Sydney/South Coast Region.

### WATER ACT 1912

AN APPLICATION for a license under Part 5 of the Water Act 1912, as amended, has been received as follows;

#### *Murrumbidgee Valley*

John Stewart ANDERSON and Margaret Dawn ANDERSON for a bore on Lot 14 DP237676 Parish of Nanima, County of Murray for a water supply for stock, domestic, farming and the irrigation of approximately 2.2 hectares (Vines). New Licence. (Reference: 40BL189025)

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 27<sup>th</sup> December, 2002 as prescribed by the Act.

S.F. WEBB  
Resource Access Manager  
Murrumbidgee Region

Department of Land & Water Conservation  
P.O. Box 156, LEETON NSW 2705

### WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under Section 5(4) of the Act.

APPLICATION for a Licence, under Section 10 of Part 2 of the Water Act 1912 has been received as follows:

#### *Murray River Valley*

Charles Tullock ARTHUR for a pump on the Edward River on Lot 24 DP756509, Parish of Barrabu, County of Wakool, for water supply for stock purposes and irrigation (replacement licence due to permanent transfer) (GA2: 477255)(Ref: 50SL75544).

Any enquiries regarding the above should be directed to the undersigned (PH: [03] 5881-9200).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within 28 days of the date of this publication.

L J HOLDEN  
A/Senior Natural Resource Officer  
Murray Region

Department of Land and Water Conservation  
P.O. Box 205, DENILQUIN NSW 2710

**WATER ACT 1912**

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act, 1912.

An application for a license under Section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

*Murrumbidgee Valley*

Christopher Paul & Lois Constance DOIDGE for a pump on the Murrumbidgee River, lot 102 DP757218, Parish of Borambola, County of Wynyard for the irrigation of 31 hectares. Replacement License due to increase in allocation by way of permanent transfer of 63 megalitres of water allocation. (Reference:40SL70851).

Any enquiries regarding the above should be directed to the undersigned (telephone 0269 530700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S.F. WEBB  
Resource Access Manager  
Murrumbidgee Region

Department of Land & Water Conservation  
P.O. Box 156, LEETON NSW 2705

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## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T02-0454)

No. 2024, GOLDSEARCH LIMITED (ACN 006 645 754), area of 39 units, for Group 1, dated 19 November, 2002. (Orange Mining Division).

(T02-0455)

No. 2025, MUDGEE STONE CO. PTY LIMITED (ACN 100 974 365), area of 1 unit, for Group 2, dated 20 November, 2002. (Orange Mining Division).

(T02-0456)

No. 2026, GOLDSEARCH LIMITED (ACN 006 645 754), area of 39 units, for Group 1, dated 21 November, 2002. (Orange Mining Division).

### MINING LEASE APPLICATION

(C02-0732)

No. 220, CENTENNIAL HUNTER PTY LIMITED (ACN 101 509 111), area of about 39960 square metres, to mine for coal, dated 15 November, 2002. (Singleton Mining Division).

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T02-0045)

No. 1887, now Exploration Licence No. 6022, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Windeyer, Map Sheet (7131, 7132, 7231, 7232), area of 211 units, for Group 10, dated 18 November, 2002, for a term until 17 November, 2004.

(T02-0045)

No. 1887, now Exploration Licence No. 6023, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Tara, Map Sheet (7130, 7230), area of 202 units, for Group 10, dated 18 November, 2002, for a term until 17 November, 2004.

(T02-0046)

No. 1888, now Exploration Licence No. 6024, ILUKA RESOURCES LIMITED (ACN 008 675 018), Counties of Tara, Wentworth and Windeyer, Map Sheet (7230, 7330, 7331), area of 329 units, for Group 10, dated 20 November, 2002, for a term until 19 November, 2004.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

### EXPLORATION LICENCE APPLICATION

(T02-0393)

No. 1965, AUSTMINEX N.L (ACN 005 470 799), County of Harden and County of King, Map Sheet (8628, 8629). Withdrawal took effect on 18 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

NOTICE is given that the following application for renewal has been received:

(T01-0661)

Mining Lease No. 1339 (Act 1992), CHALLENGER RESOURCES PTY LTD (ACN 001 687 547), area of 146.93 hectares. Application for renewal received 18 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

### TRANSFERS

(C02-0587)

Authorisation No. 372, formerly held by POWERCOAL PTY LTD (ACN 052 533 070) has been transferred to CENTENNIAL MUNMORAH PTY LIMITED (ACN 101 508 963). The transfer was registered on 21 November, 2002.

(C02-0586)

Authorisation No. 383, formerly held by POWERCOAL PTY LTD (ACN 052 533 070) has been transferred to CENTENNIAL WYEE PTY LIMITED (ACN 101 509 120). The transfer was registered on 21 November, 2002.

(C02-0590)

Authorisation No. 399, formerly held by POWERCOAL PTY LTD (ACN 052 533 070) has been transferred to CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865). The transfer was registered on 21 November, 2002.

(C02-0584)

Authorisation No. 404, formerly held by POWERCOAL PTY LTD (ACN 052 533 070) has been transferred to CENTENNIAL MANDALONG PTY LIMITED (ACN 101 508 892). The transfer was registered on 21 November, 2002.

(T02-0729)

Exploration Licence No. 4038, formerly held by STRAITS MINING PTY LTD (ACN 055 020 614) has been transferred to TRITTON RESOURCES LIMITED (ACN 100 095 494). The transfer was registered on 12 November, 2002.

(C02-0589)

Exploration Licence No. 4444, formerly held by POWERCOAL PTY LTD (ACN 052 533 070) has been transferred to CENTENNIAL MYUNA PTY LIMITED (ACN 101 508 981). The transfer was registered on 21 November, 2002.

(T02-0729)

Exploration Licence No. 4962, formerly held by STRAITS MINING PTY LTD (ACN 055 020 614) has been transferred to TRITTON RESOURCES LIMITED (ACN 100 095 494). The transfer was registered on 12 November, 2002.

(T02-0729)

Exploration Licence No. 5838, formerly held by STRAITS MINING PTY LTD (ACN 055 020 614) has been transferred to TRITTON RESOURCES LIMITED (ACN 100 095 494). The transfer was registered on 12 November, 2002.

(T02-0729)

Exploration Licence No. 5839, formerly held by STRAITS MINING PTY LTD (ACN 055 020 614) has been transferred to TRITTON RESOURCES LIMITED (ACN 100 095 494). The transfer was registered on 12 November, 2002.

(T02-0729)

Exploration Licence No. 5840, formerly held by STRAITS MINING PTY LTD (ACN 055 020 614) has been transferred to TRITTON RESOURCES LIMITED (ACN 100 095 494). The transfer was registered on 12 November, 2002.

(T01-0155)

Exploration Licence No. 5917, formerly held by PROBO MINING LIMITED (ACN 079 938 819) has been transferred to SAMURAI MINING PTY LTD (ACN 099 829 286). The transfer was registered on 20 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

**EXPIRIES**

Mineral Claim No. 216 (Act 1992), STUART GREGORY LELIEVRE, Parish of Canpadore, County of Yanda. This title expired on 18 November, 2002.

Mineral Claim No. 217 (Act 1992), STUART GREGORY LELIEVRE, Parish of Canpadore, County of Yanda. This title expired on 18 November, 2002.

Mineral Claim No. 218 (Act 1992), LESLIE JOHN LELIEVRE, Parish of Canpadore, County of Yanda; and Parish of Cumbedore, County of Yanda. This title expired on 18 November, 2002.

Mineral Claim No. 219 (Act 1992), LESLIE JOHN LELIEVRE, Parish of Canpadore, County of Yanda. This title expired on 18 November, 2002.

Mineral Claim No. 220 (Act 1992), PATRICIA MARIE LELIEVRE, Parish of Cumbedore, County of Yanda. This title expired on 18 November, 2002.

Mineral Claim No. 221 (Act 1992), PATRICIA MARIE LELIEVRE, Parish of Cumbedore, County of Yanda. This title expired on 18 November, 2002.

Mining Purposes Lease No. 302 (Act 1973), RAYMOND HORACE SMITH, Parish of Mebea, County of Finch. This title expired on 19 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

**COAL MINES REGULATION ACT 1982**

## REVOCATION OF APPROVAL

REVOKED APPROVAL No: MDA Ex i 1937

FILE No: CM87/0870

DATE: 18 November 2002

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied is no longer deemed to be approved for use in the hazardous zones of underground coal mines in New South Wales.

Description: Interface Unit

Identification: Status Engineering Ltd, type SEL 29/MR3A

This approval was issued to:

Name: Austdac Pty Limited

Address: 1/4 Packard Avenue, CASTLE HILL, NSW 2154

The approval was notified in the *Government Gazette* No: 159. Dated: 21 October 1988.

J.F. WAUDBY,  
Senior Inspector of Electrical Engineering  
For Chief Inspector Of Coal Mines

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## Department of Planning

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New South Wales

### **Ballina Local Environmental Plan 1987 (Amendment No 76)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00042/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 76)

---

## **Ballina Local Environmental Plan 1987 (Amendment No 76)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 76)*.

### **2 Aims of plan**

This plan aims:

- (a) to introduce new definitions of *brothel* and *prostitution* into *Ballina Local Environmental Plan 1987 (the 1987 plan)*, and
- (b) to ensure that brothels are located on appropriate sites where they are compatible with surrounding land uses, and
- (c) to ensure that brothels are prohibited in all zones under the 1987 plan other than in the Industrial Zone.

### **3 Land to which plan applies**

This plan applies to all land within the local government area of Ballina.

### **4 Amendment of Ballina Local Environmental Plan 1987**

*Ballina Local Environmental Plan 1987* is amended as set out in Schedule 1.



Ballina Local Environmental Plan 1987 (Amendment No 76)

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

*brothel* means premises habitually used by one or more prostitutes for the purpose of prostitution, or that have been used for that purpose and are likely to be used again for that purpose, and includes any premises where the act of prostitution occurs irrespective of whether other services or businesses are being provided or carried out.

*prostitution* means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment or other reward, and includes:

- (a) sexual intercourse as defined in section 61H of the *Crimes Act 1900*, or
- (b) masturbation committed by one person on another.

### [2] Clause 9 Zone objectives and development control table

Omit “Car repair stations” wherever occurring in item 5 of the matter relating to Zones Nos 1 (a1) and 1 (d) in the Table to clause 9.

Insert instead “Brothels; car repair stations”.

### [3] Clause 9, Table

Omit “Caravan parks” wherever occurring in item 5 of the matter relating to Zones Nos 1 (a2) and 1 (b).

Insert instead “Brothels; caravan parks”.

### [4] Clause 9, Table

Omit “2 or 3” wherever occurring in item 4 of the matter relating to Zones Nos 1 (e) and 6 (a).

Insert instead “2, 3 or 5”.

## Ballina Local Environmental Plan 1987 (Amendment No 76)

## Schedule 1 Amendments

---

**[5] Clause 9, Table**

Omit "Nil." wherever occurring in item 5 of the matter relating to Zones Nos 1 (e), 2 (a), 2 (b), 2 (t), 3, 6 (a), 7 (c), 9 (a) and 9 (b).

Insert instead "Brothels."

**[6] Clause 9, Table**

Omit "2 or 4" wherever occurring in item 3 of the matter relating to Zones Nos 2 (a), 2 (b), 7 (c), 9 (a) and 9 (b).

Insert instead "2, 4 or 5".

**[7] Clause 9, Table**

Insert "or 5" after "4" wherever occurring in item 3 of the matter relating to Zones Nos 2 (t) and 3.

**[8] Clause 9, Table**

Omit "Bulk stores" from item 5 of the matter relating to Zone No 7 (d).

Insert instead "Brothels; bulk stores".

**[9] Schedule 3**

Insert "Brothels," after "Banking facilities,".

## **Cessnock Local Environmental Plan 1989 (Amendment No 87)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (N97/00305/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

---

Clause 1                    Cessnock Local Environmental Plan 1989 (Amendment No 87)

---

## **Cessnock Local Environmental Plan 1989 (Amendment No 87)**

### **1 Name of plan**

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 87)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Zone No 1 (v) (Rural (Vineyards) Zone).

### **3 Land to which plan applies**

This plan applies to land within the City of Cessnock, being Lots 1, 2, 3 and 4, DP 869651, Main Road 220, Rothbury, as shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 87)” deposited in the office of the Cessnock City Council.

### **4 Amendment of Cessnock Local Environmental Plan 1989**

*Cessnock Local Environmental Plan 1989* is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Cessnock Local Environmental Plan 1989 (Amendment No 87)

## **Fairfield Local Environmental Plan 1994 (Amendment No 81)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (P02/00184/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

\_\_\_\_\_

Clause 1                      Fairfield Local Environmental Plan 1994 (Amendment No 81)

---

## **Fairfield Local Environmental Plan 1994 (Amendment No 81)**

### **1 Name of plan**

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 81)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone 2 (a) Residential A to Zone 6 (a) Existing and Proposed Recreation under *Fairfield Local Environmental Plan 1994*.

### **3 Land to which plan applies**

This plan applies:

- (a) to land known as 3, 3A and 5 Houghton Street, Carramar (Lots 1 and 2, DP 550478 and Lot A, DP 391266) and 7–9 Bland Street, Carramar (Lots 72 and 73, DP 12955), as shown distinctively coloured on Sheet 1 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 81)” deposited in the office of the Fairfield City Council, and
- (b) to land known as 18–20 Kembla Street, Wakeley (part of Lot 75, DP 601837), as shown distinctively coloured on Sheet 2 of that map.

### **4 Amendment of Fairfield Local Environmental Plan 1994**

*Fairfield Local Environmental Plan 1994* is amended by inserting in appropriate order in the definition of **Map** in the Dictionary the following words:

Fairfield Local Environmental Plan 1994 (Amendment No 81)

## Griffith Local Environmental Plan 2002

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00009/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Griffith Local Environmental Plan 2002

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## Griffith Local Environmental Plan 2002

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Clause 1 Griffith Local Environmental Plan 2002

Part 1 Preliminary

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## Griffith Local Environmental Plan 2002

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Griffith Local Environmental Plan 2002*.

#### 2 Land to which plan applies

This plan applies to all land within the local government area of the City of Griffith.

#### 3 Relationship to other environmental planning instruments

This plan repeals *Griffith Local Environmental Plan 1994* and all local environmental plans that amended that plan.

#### 4 Aims of this plan

The aims of this plan are:

- (a) to provide for urban and rural land development by implementing the *Griffith Growth Strategy 2030—Urban and Rural Land Release Strategy*, and
- (b) to provide a legal basis for development control plans that provide more detailed local planning policies, and
- (c) to protect areas on which agriculture depends, and
- (d) to protect areas that are environmentally sensitive, and
- (e) to manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding affordable urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land, and
- (f) to promote ecologically sustainable urban and rural development, and
- (g) to promote development of rural land in accordance with the aims and objectives of the *MIA & Districts Community Land and Water Management Plan*.

Griffith Local Environmental Plan 2002

Clause 5

Preliminary

Part 1

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## **5 Consent authority**

The consent authority for the purposes of this plan is Griffith City Council, subject to the Act.

## **6 Interpretation**

- (1) A term defined in the Dictionary at the end of this plan has its defined meaning when used in this plan, except as may be provided otherwise by the Act or any State environmental planning policy.
- (2) In this plan:
  - (a) a reference to a building, a place or land used for a purpose includes a reference to a building, a place or land intended to be used for the purpose, and
  - (b) a reference to a map is to a map kept at the office of the Council.
- (3) Land to which this plan applies is within a zone specified in Schedule 1 if it is shown on the zoning map as being within the zone.
- (4) *State Environmental Planning Policy No 1—Development Standards* applies to any requirement made by a provision of this plan specified in Schedule 2 in the same way as it applies to a development standard, whether or not the requirement is a development standard.
- (5) Any matter that appears in this plan under the heading “Note” is provided to assist understanding and does not form part of this plan.

## **7 Suspension of covenants, agreements and similar instruments**

- (1) **Objective:**

To enable development to be carried out in accordance with this plan or a consent.
- (2) For the purpose of enabling development to be carried out in accordance with this plan or a consent granted under the Act, any agreement, covenant or similar instrument that restricts or prohibits development allowed by this plan shall not apply to development to the extent necessary to serve that purpose.
- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (2) and (3).

Clause 8 Griffith Local Environmental Plan 2002

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**8 Development excepted from controls in this plan**

Nothing in this plan restricts or prohibits, enables the Council to restrict or prohibit, or requires development consent for, the carrying out of any development described in Schedule 3.

Griffith Local Environmental Plan 2002

Clause 9

Exempt and complying development, general zoning controls and  
Zone Table

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## Part 2 Exempt and complying development, general zoning controls and Zone Table

### 9 Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which is it proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 22* as adopted by the Council on 19 October 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 22* adopted by the Council, as in force when the certificate is issued.

### 10 Zoning of land and Zone Table

- (1) Development of land is controlled by zoning as provided by this clause, subject to the special provisions in Part 3.

**Note.** The zoning map shows the zoning of land.
- (2) Consent may be granted to development (otherwise than as complying development) only if the consent authority has taken into consideration the objectives of the zone that are relevant to the development.
- (3) The following table specifies the objectives of each zone, and the development allowed with or without consent or prohibited within each zone.

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## **Zone Table**

### **Zone 1 (a) Rural**

#### **1 Zone objectives**

- (a) To retain prime crop and pasture land where possible for the purpose of agriculture, and
- (b) To retain viability and productivity whilst permitting diversity and flexibility in the management of agricultural land, and
- (c) To prevent fragmentation of rural land and facilitate farm adjustments, and
- (d) To facilitate rural adjustment by permitting the orderly subdivision and other development of rural land and controlling the erection of dwellings so as to ensure the economic base of the City of Griffith is protected, and
- (e) To conserve, enhance and promote rural areas of scenic, tourist or agricultural significance to the benefit of the City of Griffith, and
- (f) To prevent the degradation of rural and natural resources, and
- (g) To protect, enhance and conserve the water resource for use in the public interest, and
- (h) To enable the development of the land within this zone for the purpose of land uses that do not reduce the long-term agricultural production potential of the land, and
- (i) To enable the development of the land for the purpose of rural industries and associated activities where the Council is satisfied that those industries and activities will not detrimentally affect, or be affected by, nearby agricultural activities, and



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Exempt and complying development, general zoning controls and  
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- (j) To enable other development of land in the zone that is compatible with agricultural practices in the area where the Council is satisfied that the development will not detrimentally affect, or be affected by, nearby agricultural activities.

## 2 Development within the zone

In Zone 1 (a) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

brothels; bus depots; car repair stations (other than rural machinery repairs); clubs; cluster housing; commercial premises; exhibition homes; industries (other than rural industries); medical centres; motor showrooms; multi-dwelling housing (other than dual occupancies and itinerant workers' accommodation); neighbourhood centres; residential flat buildings; restricted premises; retailing of bulky goods; shops; tourist facilities (other than rural tourist facilities); vehicle body repair workshops; warehouses (other than those associated with rural industries).

## Zone 1 (b) Rural Agricultural Protection

### 1 Zone objectives

- (a) To preserve areas of higher quality agricultural land, and
- (b) To permit a range of activities that support the agricultural industries being conducted on the

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land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and

- (c) To control development that may restrict the function of or create traffic hazards along classified roads, and
- (d) To enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land, and
- (e) To establish appropriate buffer zones between high quality agricultural land and land not used for agriculture, particularly near the perimeter of such lands.

## 2 Development within the zone

In Zone 1 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry; home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

brothels; bus stations; caravan parks; car parks; car repair stations (other than rural machinery repairs); cemeteries; clubs; cluster housing; commercial premises; convenience stores; depots; exhibition homes; generating works; health care professionals' practices; heliports; hospitals; hotels; industries (other than rural industries); junk yards; liquid fuel depots; liquor outlets; manufactured home estates; medical centres; mines; motels; motor showrooms; multi-dwelling housing

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(other than dual occupancy and itinerant workers' accommodation); neighbourhood centres; offensive or hazardous industries; places of public worship; plant hire (other than rural machinery); residential flat buildings; restricted premises; retailing of bulky goods; service stations; shops (other than general stores); tourist facilities (other than rural tourist facilities); vehicle body repair workshops; waste management facilities.

## **Zone 1 (c) Rural Residential**

### **1 Zone objectives**

- (a) To provide for a range of lifestyles to cater for all socio-economic groups, without causing adverse effects on the character and amenity of the City of Griffith, and
- (b) To promote orderly and economic development of land identified as being suitable for rural residential development, and
- (c) To ensure that rural residential development is integrated with the rural landscape and is compatible with the capability of the site on which it is carried out to accommodate such development, and
- (d) To enable the development of land within this zone for rural residential purposes, and
- (e) To enable the development of some land within this zone for the purpose of other appropriate land uses where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding rural residential uses and the existing or proposed nearby development.

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## 2 Development within the zone

In Zone 1 (c) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); environmental conservation.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

animal establishments; brothels; car repair stations; convenience stores; dual occupancies (other than attached dual occupancies); frost control fans; funeral establishments; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; restricted premises; retailing of bulky goods; road transport terminals; service stations; shops (other than general stores); speedways; vehicle body repair workshops; warehouses; waste management facilities.

## Zone 1 (d) General Expansion

### 1 Zone objectives

- (a) To provide for an area with a predominantly rural character comprising housing and horticultural uses on rural small holdings in a manner that will not restrict future serviced urban development in accordance with the Council's urban release strategy, and
- (b) To identify land that may be needed in the future for use for urban or other non-rural purposes (the particular purpose is indicated by block lettering on the map) and will be

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investigated with respect to its suitability for use for those purposes prior to its being allowed to be used for those purposes, and

- (c) To regulate subdivision and use of land so as to prevent development that could prejudice the possible future release of land within this zone for urban or other purposes, and
- (d) To enable the subdivision and use of the land for urban, rural residential, highway service and industrial purposes where:
  - (i) urban structure planning has been undertaken over the area and adopted by the Council, and
  - (ii) appropriate infrastructure and facilities are available to the land or can be provided to the land in a manner that does not create an unreasonable and uneconomic demand for the provision or extension of such infrastructure and facilities, and
  - (iii) the Council is satisfied that sufficient demand exists for the release of land for the particular purpose for which it is intended to be developed, and
- (e) To enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

## 2 Development within the zone

In Zone 1 (d) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments and intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Any development not included in item (1) or (3).

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(3) **Prohibited**

Development for the purpose of:

animal establishments; brothels, commercial premises; frost control fans; hotels; intensive livestock keeping establishments; liquid fuel depots; mines; restricted premises; speedways.

## **Zone 1 (e) Rural Industry and Employment**

### **1 Zone objectives**

- (a) To provide areas for a range of rural industries and employment-generating uses, and permit commercial development where it is ancillary to and associated with a rural industrial or employment-generating use of land within the zone, or it serves the convenience needs of the workforce in the area, if any such commercial development does not have an adverse impact on the continued viability of land within business zones in Griffith, and
- (b) To provide land primarily for rural industries so as to protect existing and potential rural industries, and
- (c) To allow accommodation that is ancillary to rural industries.

### **2 Development within the zone**

In Zone 1 (e) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture; environmental conservation.

(2) **Allowed only with development consent**

Development for the purpose of:

abattoirs, advertisements; agribusinesses; agricultural machinery repairs; animal establishments; car parks; child care centres; commercial premises used in conjunction with another use permissible in the zone;

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community facilities; convenience stores; dams; depots; dwelling houses in association with and on the same land as another use allowed in the zone; educational establishments; forestry; funeral establishments; general stores; home businesses; itinerant workers' accommodation; light industries; markets; motels; motor showrooms; places of assembly; plant hire; public buildings; recreation areas; recreation facilities; refreshment rooms; research facilities; retail plant nurseries; retailing of bulky goods; riding schools; roads; rural industries; rural tourist facilities; rural workers' dwellings; saw mills; shops (in association with rural industries); speedways; stock and saleyards; transport terminals; turf farming; utility installations; veterinary clinics; warehouses; waste management facilities.

(3) **Prohibited**

Any development not included in Item (1) or (2).

## **Zone 1 (f) Rural Forest**

### **1 Zone objectives**

- (a) To identify land that is presently being used for forestry and should be retained for forestry and associated activities, and
- (b) To enable the development of land within this zone for forestry purposes, and
- (c) To enable the development of extractive industries and mines.

### **2 Development within the zone**

In Zone 1 (f) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments and intensive livestock keeping establishments); environmental conservation; forestry; public utility undertakings.

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- (2) **Allowed only with development consent**  
Development for the purpose of:  
camping grounds; extractive industries; mines.
- (3) **Prohibited**  
Any development not included in Item (1) or (2).

### **Zone 1 (g) Rural Mixed Use**

#### **1 Zone objectives**

- (a) To allow operators of small trade-type businesses to develop and use land for both residential purposes and for the garaging, storing and servicing of work-related vehicles and materials, and
- (b) To enable the subdivision and other development of land within this zone for the purpose of land uses that are of a low impact, mixed use nature and where the scale, height, type and traffic-generating characteristics of the development are compatible with surrounding land use, and
- (c) To control subdivision and other development so as to ensure that the mixed use nature of the preferred land use is not compromised by inappropriate lot sizes and siting of residential buildings, and
- (d) To regulate subdivision and other development so as to ensure that the amenity and character of the surrounding areas are respected, and
- (e) To enable the development of the land for light and rural industries and associated activities where the Council is satisfied that the residential component of the development and adjoining development is protected by an adequate buffer area.



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## 2 Development within the zone

In Zone 1 (g) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture, (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry; home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

boarding houses; child care centres; cluster housing; commercial premises (other than an office used in conjunction with another use permissible in the zone); dual occupancies; dwelling houses (other than dwellings used in conjunction with another use permissible in the zone); frost control fans; health care professionals' practices; housing for aged people or people with a disability; medical centres; motels; motor showrooms; multi-dwelling housing; neighbourhood centres; offensive or hazardous industries; places of public worship; refreshment rooms; residential flat buildings; shops (other than general stores).

## Zone 1 (h) Rural Small Holdings

### 1 Zone objective

To enable development that is compatible with the character and amenity of the rural environment of the area.

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## 2 Development within the zone

In Zone 1 (h) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
agriculture (not involving animal establishments or intensive livestock keeping establishments); environmental conservation; forestry.
- (2) **Allowed only with development consent**  
Any development not included in Item (1) or (3).
- (3) **Prohibited**  
Development for the purpose of:  
animal establishments (other than riding schools and veterinary clinics); brothels; car repair stations; convenience stores; dual occupancies; frost control fans; funeral establishments; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; multi-dwelling housing (other than itinerant workers' accommodation); restricted premises; retailing of bulky goods; road transport terminals; service stations; shops (other than general stores); speedways; tourist facilities (other than rural tourist facilities); vehicle body repair workshops; warehouses; waste management facilities.

### Zone 1 (i) Investigation

#### 1 Zone objectives

- (a) To identify land that may be needed in the long-term future for a designated land use, (each land use is indicated by block lettering on the map), and
- (b) To ensure that development within the zone is compatible with the anticipated future development of the land, and

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- (c) To ensure that development maintains the existing character of the locality and minimises disturbance to the scenic value of the landscape through clearing, earthworks, access roads and construction of buildings, and
  - (d) To ensure that development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.

## 2 Development within the zone

In Zone 1 (i) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Development for the purpose of:

animal establishments; community facilities; dual occupancies; dwellings; frost control fans; home businesses; public utility undertakings; recreation areas; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural tourist facilities; turf farming; utility installations.

(3) **Prohibited**

Any development not included in Item (1) or (2).

## Zone 2 (a) Residential

### 1 Zone objectives

- (a) To set aside land to be used for residential purposes and associated facilities, and
- (b) To ensure full and efficient use of existing social and physical infrastructure and that the future provision of services and facilities meets any increased demand, and

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- (c) To enable development of land within this zone for residential purposes, and
- (d) To enable development of land within this zone for tourist, open space and recreation purposes, and
- (e) To enable the development of a variety of housing types while maintaining the existing character of the residential area throughout the City of Griffith, and
- (f) To enable development for the purpose of retail, commercial and professional services in locations in residential neighbourhoods where such development is compatible with the amenity of adjoining land in respect of scale, height and type of buildings and traffic generation, and
- (g) To enable the development of land within this zone for the purpose of land uses that are appropriate within the surrounding urban living area where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding urban living area and with existing or proposed nearby development.

## 2 Development within the zone

In Zone 2 (a) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
environmental conservation.
- (2) **Allowed only with development consent**  
Any development not included in Item (1) or (3).
- (3) **Prohibited**  
Development for the purpose of:  
animal establishments; brothels; bus depots; car repair stations; extractive industries; frost control fans; funeral

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establishments; generating works; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; plant hire; recreation vehicle areas; restricted premises; retailing of bulky goods; road transport terminals; rural industries; rural tourist facilities; rural workers' dwellings; saw mills; service stations; speedways; tourist facilities; transport terminals; turf farming; vehicle body repair workshops; warehouses; waste management facilities.

## **Zone 2 (v) Village**

### **1 Zone objectives**

- (a) To recognise and promote development in existing villages so as to enable future development appropriate to their function, and
- (b) To allow detailed provision to be made to set aside specific areas within the zone for housing of various densities, commercial, special and industrial uses and other urban and tourist facility purposes, and
- (c) To ensure land is economically and adequately serviced in view of its likely development, and
- (d) To ensure development reflects the existing character of villages and does not create excessive demands for services, and
- (e) To enable the development of land within this zone for residential, commercial, special and tourist uses and other urban purposes, and
- (f) To enable development of land for other purposes where it can be demonstrated by the applicant for development consent, to the satisfaction of the consent authority, that such a use will not detrimentally affect the amenity of the existing or proposed nearby development.

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## **2 Development within the zone**

In Zone 2 (v) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
environmental conservation.
- (2) **Allowed only with development consent**  
Any development not included in Item (1) or (3).
- (3) **Prohibited**  
Development for the purpose of:  
animal establishments (other than veterinary clinics);  
brothels; extractive industries; frost control fans;  
intensive livestock keeping establishments; junk yards;  
offensive or hazardous industries; mines; restricted  
premises; speedways.

## **Zone 3 (a) General Business**

### **1 Zone objectives**

- (a) To provide for and encourage the development and expansion of business activities that will contribute to the economic growth and employment opportunities within the City of Griffith, and
- (b) To encourage the continued growth of the business area of Griffith as the commercial, retail and administrative centre of the City of Griffith and surrounding areas and to reinforce particularly the concentrated retail core as the prime business area of the City of Griffith, and
- (c) To permit a wide range of uses within the zone that are associated with, ancillary to or supportive of retail and service facilities within the zone, and
- (d) To ensure there is adequate provision within the zone for car parking and recreational and social facilities, and

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- (e) To minimise conflicts between pedestrian and vehicular movement within the business areas, and
  - (f) To enable the development of land within the zone for commercial and retail purposes, and
  - (g) To enable industrial development on land within the zone that is compatible with existing commercial and retail development, and
  - (h) To enable development within the zone that is associated with, ancillary to or supportive of, commercial or retail development, and
  - (i) To enable the development of land for other purposes where the consent authority is satisfied that such a use will not detrimentally affect the amenity of any existing or proposed nearby development, and
  - (j) To enable development of land within this zone for residential purposes where the Council is satisfied that adequate amenity will be provided for residents of residential buildings and the land will not be required for commercial or retail use.

## 2 Development within the zone

In Zone 3 (a) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
environmental conservation; home businesses.
- (2) **Allowed only with development consent**  
Any development not included in Item (1) or (3).
- (3) **Prohibited**  
Development for the purpose of:  
animal establishments (other than veterinary clinics);  
frost control fans; intensive livestock keeping  
establishments; junk yards; liquid fuel depots; offensive  
or hazardous industries.

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### **Zone 3 (b) Highway Service Business**

#### **1 Zone objectives**

- (a) The principal objectives of this zone are:
  - (i) To set aside certain land adjacent to Kidman Way and Mackay Avenue for the purpose of providing services to the travelling public and highway user, and
  - (ii) To provide for commercial, bulky goods retailing, light industrial and trade activities that do not jeopardise the viability or function of the business centre.
  
- (b) The particular objectives of this zone are:
  - (i) To restrict development generally to the provision of services required by the travelling public and highway user, being development for the purpose of commercial, bulky goods retail or light industrial uses, trade activities or refreshment, short-term accommodation and motor vehicle service facilities (separate or integrated), and
  - (ii) To permit complementary development associated with or ancillary to highway services, but only where it is integral to such a service and is of a scale and nature in keeping with that service, and
  - (iii) to ensure that development does not impinge upon the effective operation of Kidman Way and Mackay Avenue, and
  - (iv) to allow for other development that is compatible with the principal objectives of the zone.



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## 2 Development within the zone

In Zone 3 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction; environmental conservation;  
home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

abattoirs; animal establishments (other than veterinary clinics); boarding houses; brothels; cemeteries; cluster housing; dual occupancies; dwelling houses (other than physically attached to and used in conjunction with buildings allowed with development consent); extractive industries; forestry; frost control fans; generating works; helipads; heliports; hospitals; housing for older people or people with a disability; industries (other than light industries and rural industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; multi-dwelling housing; offensive or hazardous industries; recreation vehicle areas; residential flat buildings; restricted premises; saw mills; shopping centres (other than retailing of bulky goods); stock and saleyards; turf farming; waste management facilities.

## Zone 4 (a) General Industrial

### 1 Zone objectives

- (a) To provide for and encourage the development and expansion of industrial activities that will contribute to the economic growth of and employment opportunities within the City of Griffith, and

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- 
- (b) To ensure a variety of sites is available with regard to area, frontage and services to meet the requirements of a range of industrial uses, and
  - (c) To minimise negative visual impact of development by limiting the size and scale of buildings and having regard to building design and landscaping of the site, and
  - (d) To ensure industrial development creates areas that are pleasant to work in and safe and efficient in terms of transportation, land utilisation and service distribution, and
  - (e) To enable development of land within this zone for industrial purposes, and
  - (f) To enable development of land within this zone for the display and sale of bulky goods, and
  - (g) To enable development of specific office and incidental or ancillary activities in association with the primary industrial use, and
  - (h) To enable the erection of dwellings the use of which will be ancillary to an industrial use for which consent has been granted, and
  - (i) To enable development of land within this zone for purposes that will not compromise the industrial development of the locality.

## 2 Development within the zone

In Zone 4 (a) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
environmental conservation; public utility undertakings.
- (2) **Allowed only with development consent**  
Any development not included in Item (1) or (3).
- (3) **Prohibited**  
Development for the purpose of:  
cluster housing; dual occupancies; dwelling houses (other than a caretaker's/security residence used in

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conjunction with a use consented to); frost control fans; funeral establishments; housing for older people or people with a disability; multi-dwelling housing; residential flat buildings; shopping centres (other than retailing of bulky goods).

## **Zone 5 (a) Special Uses**

### **1 Zone objectives**

- (a) The principal objective of this zone is to identify land that, immediately before this plan commenced, was the site of development or required to be developed for a specific purpose (generally of a public nature) and that, because of the particular features or characteristics of that purpose, requires special planning consideration to protect its function and to avoid conflict with other land uses.
- (b) The particular objectives of this zone are:
  - (i) To safeguard the role and efficiency of development for specific special purposes against intrusion by other land uses, and
  - (ii) To ensure that the location of development for certain specific purposes may be easily identified and the impact upon development in adjoining zones may be readily appreciated, and
  - (iii) To enable the development of land for other purposes where it can be demonstrated that the development will not adversely affect the usefulness of the land for the purpose for which the land is zoned, and
  - (iv) To allow use of land for community facilities that are compatible with the principal use of the land.

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## **2 Development within the zone**

In Zone 5 (a) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
environmental conservation, the particular purpose indicated by block lettering on the zoning map and purposes associated with or ancillary to the particular purpose indicated on the zoning map.
- (2) **Allowed only with development consent**  
Development for the purpose of:  
advertisements; recreation areas.
- (3) **Prohibited**  
Any development not included in Item (1) or (2).

## **Zone 6 (a) Open Space**

### **1 Zone objectives**

- (a) To provide land for active and passive recreational purposes, and
- (b) To provide a diversity of recreational facilities suitable for youth and adults so as to promote the development of recreation which will enable Griffith to be a venue for major sporting and civic events, and
- (c) To facilitate access to particularly visually pleasing or exposed open space locations while allowing recreational use of those areas, and
- (d) To promote the social development of the City of Griffith, and
- (e) To enable development of land within this zone for recreational purposes, and
- (f) To enable development of land within this zone for uses associated with recreation, and

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- (g) To enable the development of land for other purposes only where it can be demonstrated that the proposed use will not adversely affect the long-term usefulness of the land for recreation.

## 2 Development within the zone

In Zone 6 (a) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction works; environmental conservation; gardening; landscaping; recreation areas lawfully in existence at the commencement of this plan.

(2) **Allowed only with development consent**

Development for the purpose of:

advertisements; car parks, clubs; community facilities; places of assembly; recreation areas; recreation facilities; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

## Zone 6 (b) Open Space (Private Recreation)

### 1 Zone objectives

- (a) To identify land used or to be used for open space and recreational purposes that is not proposed to be acquired by the Council, and
- (b) To enable development of land within this zone for recreational purposes, and
- (c) To enable development of land within this zone for uses associated with recreation, and
- (d) To enable development of that land for other purposes where it can be demonstrated that the proposed use will not adversely affect the long-term usefulness of the land for recreation.

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## **2 Development within the zone**

In Zone 6 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction works; environmental conservation; gardening; landscaping; recreation areas lawfully in existence at the commencement of this plan.

(2) **Allowed only with development consent**

Development for the purpose of:

advertisements; car parks; clubs; community facilities; places of assembly; recreation areas not included in Item (1); recreation facilities; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

## **Zone 7 Environmental Protection—Fauna and Flora**

### **1 Zone objectives**

- (a) To protect and conserve land within the zone as a habitat for diverse species of fauna and flora, and
- (b) To enable development of that land only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the land.

### **2 Development within the zone**

In Zone 7 the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction.

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(2) **Allowed only with development consent**

Development for the purpose of:

car parks; clearing of land; clubs; community facilities;  
destruction of trees; environmental conservation;  
gardening; landscaping; places of assembly; public  
utility undertakings; recreation areas; roads.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

### **Zone 7 (c) Environmental Protection—Rural Living**

#### **1 Zone objectives**

- (a) To protect and conserve land within the zone as a habitat for diverse species of fauna and flora, and
- (b) To encourage the protection of, and revegetation with, native vegetation and the establishing and maintenance of wildlife corridors, and
- (c) To ensure that rural residential development is integrated with environmental protection and the visual continuity of the landscape and is compatible with the capability of the site on which the development is carried out, and
- (d) To enable development of land within this zone only where it can be shown that the development will not damage or compromise the ecological, scenic or scientific attributes of the land, and
- (e) To provide for a range of lifestyles to cater for all socio-economic groups, without causing adverse effects on the character and amenity of the area.

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## **2 Development within the zone**

In Zone 7 (c) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
agriculture (not involving ancillary buildings, animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation.
- (2) **Allowed only with development consent**  
Development for the purpose of:  
buildings ancillary to agriculture; clearing of vegetation; dwelling houses; roads; utility installations.
- (3) **Prohibited**  
Any development not included in Item (1) or (2).

## **Zone 7 (v) Environmental Protection—Scenic**

### **1 Zone objectives**

- (a) To preserve the prominent landforms that contribute to the visual quality of the City of Griffith, and
- (b) To ensure environmentally sensitive land is appropriately protected from development likely to detrimentally affect its preservation, and
- (c) To ensure that significant areas capable of contributing to the character of the City of Griffith are maintained for the benefit of the community and tourism potential, and
- (d) To assist in the prevention of land degradation, and
- (e) To enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the locality.



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## 2 Development within the zone

In Zone 7 (v) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
bushfire hazard reduction.
- (2) **Allowed only with development consent**  
Development for the purpose of:  
car parks; clearing of land; clubs; community facilities;  
destruction of trees; environmental conservation; places  
of assembly; recreation areas; roads; utility installations.  
Demolition.
- (3) **Prohibited**  
Any development not included in Item (1) or (2).

## Zone 7 (w) Environmental Protection—Wetlands

### 1 Zone objectives

- (a) To protect and conserve significant wetlands as a habitat for diverse species of fauna and flora, and
- (b) To maintain the wetlands as a resource for recreational and educational pursuits, and
- (c) To prohibit development that would destroy or damage the wetlands ecosystem, and
- (d) To enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the wetland.

### 2 Development within the zone

In Zone 7 (w) the following development is:

- (1) **Allowed without development consent**  
Development for the purpose of:  
bushfire hazard reduction.

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(2) **Allowed only with development consent**

Development for the purpose of:

car parks; clearing of land; clubs; community facilities;  
destruction of trees; environmental conservation; places  
of assembly; recreation areas; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

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Clause 11

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Part 3

Subdivision

Division 1

## Part 3 Special provisions

### Division 1 Subdivision

**Note.** Refer to section 4B of the Act for the definition of *subdivision of land*.

#### 11 General

Land to which this plan applies may be subdivided but, unless the subdivision is exempt development, only with development consent.

#### 12 Subdivision for agriculture in Zones 1 (a), 1 (b), 1 (d), 1 (e), 1 (g) and 1 (i)

- (1) This clause applies to land within Zone 1 (a), 1 (b), 1 (d), 1 (e), 1 (g) or 1 (i).
- (2) Consent may be granted to a subdivision for the purpose of agriculture to create a lot only if the area of the lot is:
  - (a) 20 hectares or more for land used for horticulture, or
  - (b) 200 hectares or more for irrigation land, or
  - (c) 500 hectares or more for land that is neither land used for horticulture nor irrigation land.
- (3) However, subclause (2) does not prevent a subdivision of land that is a boundary adjustment.

**Note.** See definition of *boundary adjustment* in the Dictionary.

- (4) If a dwelling is situated on an existing holding, consent must not be granted to a subdivision of land for the purpose of agriculture that would result in an additional dwelling erected in pursuance of this plan being situated on a new lot excised from the existing holding.

#### 13 Conversion of irrigation land for horticultural purposes

- (1) Consent may be granted to a subdivision of irrigation land to create lots the consent authority is satisfied will be used for horticultural purposes only if a suitability assessment and feasibility study, showing that the land is able to sustain the proposed use and that the proposed use is viable, has been considered by the consent authority.

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Part 3 Special provisions

Division 1 Subdivision

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- (2) Consent may be granted to a subdivision or other development in respect of irrigation land intended to be converted to use for horticulture only if the consent authority has considered documentation from the Department of Agriculture advising that the land is suitable for horticultural purposes.

**Note.** Refer to Council's Practice Note No 9 as to the required level of documentation.

**14 Subdivision otherwise than for the purpose of agriculture or dwellings in Zones 1 (a), 1 (b), 1 (d), 1 (e) and 1 (i)**

- (1) This clause applies to land within Zone 1 (a), 1 (b), 1 (d), 1 (e) or 1 (i).
- (2) Consent may be granted to a subdivision of land to which this clause applies to create a lot that will not be used for the purpose of agriculture, a dwelling house or a home business if:
- (a) the consent authority is satisfied the lot will be used for another particular lawful purpose, and
  - (b) where the lot will have a frontage to a main road, the frontage will be not less than 150 metres.
- (3) However, the consent authority must not consent to any such subdivision unless it is satisfied that:
- (a) the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type, and
  - (b) the particular lawful use of the lot created pursuant to this clause is compatible with the surrounding area.

**15 Subdivision excising an existing dwelling from certain land within Zone 1 (b)**

- (1) This clause applies to an existing holding comprised of land within Zone 1 (b):
- (a) that is shown edged heavy black and hatched on Sheet 1 of the zoning map, and
  - (b) that has not been subdivided since 18 November 1998, unless for the purpose of road widening or to excise an allotment to be used for a public purpose.

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Clause 15

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Division 1

- (2) Consent may be granted to the subdivision of an existing holding to which this clause applies to excise a new lot that has a lawfully erected dwelling on it that will provide a separate land title for that dwelling if:
- (a) the consent authority is satisfied that the purpose of the subdivision is for the dwelling on the excised lot to provide retirement accommodation associated with inter-generational transfer of the family farm to a relative, and
  - (b) where the residue of the existing holding has one or more dwellings erected on it, that residue is consolidated into one residue lot in the plan of subdivision, and
 

**Note.** Where the residue of the existing holding is vacant, see Division 2 for the minimum area for the erection of a dwelling on that residue.
  - (c) the consent authority is satisfied that the lot to be excised is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council.

#### 16 Subdivision in Zones 1 (c) and 7 (c)

- (1) **Objective:**  
To ensure that the semi-rural character and environmental values of the locality are protected.
- (2) Consent may be granted to the subdivision of land in Zone 1 (c) or 7 (c) for residential purposes only if:
  - (a) each lot will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
  - (b) the consent authority is satisfied that each lot to be created will be capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council or will be connected to a reticulated sewerage system, and
  - (c) in the case of a lot to be connected to a reticulated sewerage system, the area of the lot will be not less than 0.3 hectare, and

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Division 1 Subdivision

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- (d) in the case of a lot not to be connected to a reticulated sewerage system, the area of the lot will be not less than 1 hectare, unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*.

**Note.** Further provisions are contained within *Development Control Plan No 29—Lake Wyangan Drainage Catchment*.

**17 Subdivision excising an existing dwelling within Zones 1 (d) and 1 (i)**

Consent may be granted to the subdivision of an existing holding comprised of land within Zone 1 (d) or 1 (i) to excise a new lot that has a lawfully erected dwelling on it that will provide a separate land title for that dwelling if:

- (a) the residue of the existing holding is consolidated into one residue lot in the plan of subdivision, and
- (b) the consent authority is satisfied that the purpose of the subdivision is to facilitate the development of the residue lot for its future intended purpose, identified on the zoning map, and
- (c) the consent authority is satisfied that the lot with the dwelling on it is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council, and
- (d) in the case of a lot to be connected to a reticulated sewerage system, the area of the lot will be not less than 0.3 hectare, and
- (e) in the case of a lot not to be connected to a reticulated sewerage system, the area of the lot will be not less than 1 hectare, unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*.

**18 Subdivision in Zone 1 (g)**

(1) **Objectives:**

- (a) To ensure that development for the purpose of light and rural industries is the main reason for any subdivision of land within Zone 1 (g), and that environmental values of the locality are protected, and
- (b) To prohibit any subdivision of land within Zone 1 (g) for which the primary purpose is the erection of a dwelling.

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Clause 18

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- (2) Consent may be granted to the subdivision of land in Zone 1 (g) for development with a residential component only if:
- (a) the consent authority is satisfied that the residential component of the proposed development is ancillary to and associated with a non-residential use of the site for which consent has been granted, and
  - (b) each lot will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
  - (c) the consent authority is satisfied that each lot created is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council, and
  - (d) the area of each lot created is not less than 1 hectare in the case of an on-site effluent disposal system (unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*) or 0.3 hectare in the case of land to be connected to a reticulated sewerage system, and
  - (e) the consent authority is satisfied that measures can be taken for odour and noise control that are sufficient to mitigate adverse impacts on the nature of activities proposed on the land or on surrounding land.

**Note.** When considering noise and odour mitigation measures, the Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls* which sets out "deemed-to-comply" provisions.

#### 19 Subdivision in Zone 1 (h)

- (1) This clause applies to land within Zone 1 (h).
- (2) Consent may be granted for a subdivision of land to which this clause applies, but only if:
  - (a) the average size of the lots created by the subdivision will be not less than 2 hectares, and
  - (b) the area of each lot created by the subdivision will be not less than 1 hectare (unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*).

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Division 1 Subdivision

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- (3) Notwithstanding any other provision of this clause, the consent authority must not consent to a subdivision of land to which this clause applies unless it is satisfied that the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type.
- (4) Nothing in this plan prevents the consent authority from granting consent for a subdivision of land to which this clause applies that changes a boundary between lots if the boundary change is consistent with the objectives of the zone and:
  - (a) does not create an additional lot, and
  - (b) results in there being sufficient land within each lot on which a dwelling exists, or could exist, for the satisfactory disposal of effluent on each lot.

#### **20 Subdivision in Zones 7, 7 (v) and 7 (w)**

Consent must not be granted to the subdivision of land within Zone 7, 7 (v) or 7 (w) unless the subdivision is a boundary adjustment.

### **Division 2 Dwellings**

#### **21 Single dwellings within Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (g), 1 (h), 1 (i) and 7 (c)**

- (1) This clause applies to land with Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (g), 1 (h), 1 (i) or 7 (c).
- (2) One dwelling may be erected with consent on vacant land within Zone 1 (a), 1 (b), 1 (d), 1 (e) or 1 (i), but only if the land has an area of:
  - (a) 20 hectares or more for land used for horticulture, or
  - (b) 200 hectares or more for irrigation land, or
  - (c) 500 hectares or more for land that is neither land used for horticulture nor irrigation land.
- (3) A dwelling may be erected on vacant land within Zone 1 (c) or 7 (c) on a lot created pursuant to a consent granted after the commencement of this plan only if the consent was granted in accordance with clause 16.



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Dwellings

Division 2

- (4) Despite subclause (2), a replacement dwelling may be erected with consent on a lot of any size within Zone 1 (d) that was created in accordance with clause 17 as a separate land title for a dwelling.
- (5) A dwelling may be erected with consent on a lot of vacant land within Zone 1 (h) created in accordance with clause 19.
- (6) Despite subclauses (2)–(5), a dwelling may be erected with development consent on vacant land consisting of:
  - (a) the whole of an existing holding, or
  - (b) a lot created under this plan for a purpose other than agriculture where the consent authority considers that an ancillary dwelling is necessary, or
  - (c) a lot created in accordance with a consent granted before the appointed day, being a lot on which a dwelling could have been erected immediately before the appointed day.
- (7) Nothing in this clause prevents a person, with development consent, from erecting a dwelling that will wholly replace another dwelling that was lawfully erected.
- (8) In this clause, *vacant land* means land on which no dwelling is erected.

**Note.** Refer to Council's Practice Note No 9 as to the required level of documentation to satisfy clause 21 (2) (a).

## 22 Erection of additional dwellings in Zones 1 (a), 1 (b) and 1 (i)

- (1) This clause applies to an existing holding within Zone 1 (a), 1 (b) or 1 (i) on which only one dwelling is erected.
- (2) One additional dwelling may be erected with consent where:
  - (a) a dwelling could be erected on the land in accordance with clause 21 if it had been vacant, and
  - (b) no additional access to an arterial road will be required from the land to the additional dwelling, and
  - (c) separate ownership of the additional dwelling could only be achieved by a subdivision of the land, and
  - (d) in the opinion of the consent authority, the additional dwelling will not interfere with the purpose for which the land or adjoining land is being used, and
  - (e) the additional dwelling is erected on the same lot as an existing dwelling, and

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Division 2 Dwellings

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- (f) the number of dwellings on the existing holding after the additional dwelling is erected will not exceed two (including any dual occupancy and rural worker's dwelling).

### Division 3 Environmental provisions

#### 23 Development in Zones 7, 7 (c), 7 (v) and 7 (w)

- (1) This clause applies to land within Zone 7, 7 (c), 7 (v) or 7 (w).
- (2) A person must not clear, drain, excavate or fill land to which this clause applies except with development consent.

#### 24 Tree preservation

- (1) **Objective:**  
To protect vegetation and provide for the assessment of the impact of clearing for the reason of preserving the amenity and the ecology of the City of Griffith.
- (2) Pursuant to section 32 of the Act, the Council may by resolution make, revoke or amend a tree preservation order.
- (3) A tree preservation order is to identify a tree or class of trees that must not be ringbarked, cut down, topped, lopped, removed or wilfully destroyed without development consent or the permission of the Council, but does not apply to trees in a State forest or within a reserve as defined under the provisions of the *Forestry Act 1916*.
- (4) A person must not ringbark, cut down, top, lop, remove or wilfully destroy a tree to which a tree preservation order applies without development consent or the permission of the Council or unless required or authorised to do so by or under an Act.
- (5) A tree preservation order, and any revocation or amendment of it, does not have effect until it has been published in a newspaper circulating in the City of Griffith local government area.
- (6) A tree preservation order made and in force immediately before the appointed day under any environmental planning instrument that applied to land to which this plan applies shall be deemed to be a tree preservation order made and published by the Council under this clause identifying the trees to which it is expressed to apply and may be revoked or amended by the Council in accordance with this clause.

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Special provisions

Part 3

Environmental provisions

Division 3

- (7) In Zone 7, 7 (c), 7 (v) or 7 (w), a tree that exceeds a height of 3 metres shall not be cut down, lopped or otherwise destroyed without development consent or the permission of the Council, regardless of whether it is identified in a tree preservation order.

## 25 Environmentally sensitive land

- (1) **Objective:**  
To enable the protection of vegetation and assessment of the impacts of clearing in certain areas for reasons of visual amenity and ecology.
- (2) In this clause, *protected land* means land shown as “environmentally sensitive” on sheets 1–5 of the zoning map.
- (3) A person must not, except with consent, clear fell land or cause the destruction of trees or remnant vegetation on:
- (a) more than one hectare of protected land included in an existing holding, or
  - (b) more than 5 percent of the area of the existing holding, where that 5 percent comprises protected land,
- whichever is less.

## Division 4 Hazards and buffers

### 26 Flood liable land

- (1) **Objectives:**
- (a) To minimise potential flood damage by ensuring that only appropriate development occurs on flood liable land, and
  - (b) To minimise the effects of flooding on the community.
- (2) For the purposes of this clause, *flood liable land* is:
- (a) land likely to be inundated in a 1 in 100 year flood, as identified on mapping held in the office of the Council, or
  - (b) land likely to be inundated in a 1 in 100 year flood because of topography or proximity to a watercourse or irrigation supply or drainage channel.

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- (3) Consent must not be granted to development of any flood liable land unless the consent authority has considered:
- (a) a survey identifying the level of the land relative to the 1 in 100 year flood level, and
  - (b) the likelihood of loss of life or property from flooding, and
  - (c) the likelihood of increased demand for flood mitigation measures and emergency services, and
  - (d) any impediments to the operation of floodway systems in times of flood, and
  - (e) the effect of proposed development on adjoining land in times of flood, and
  - (f) limits on the intensity of development of urban flood liable land, and
  - (g) the provision of services and facilities appropriate to the flood liability of the land, and
  - (h) the effect of the proposed development on the watertable of that land or of land in its immediate vicinity.

**Note.** For information with respect to flood liable land refer to the *Griffith Main Drain J Flood Management Study*.

## 27 Land subject to bushfire hazards

- (1) Consent must not be granted to a subdivision of land or to the erection of a building on land that is subject to a bushfire hazard that has been identified by the Council unless, in the opinion of the consent authority:
- (a) adequate provision is made for access for fire fighting vehicles, and
  - (b) adequate safeguards are effected in the form of fire breaks, reserves and fire radiation zones, and
  - (c) adequate water supplies are available for fire fighting purposes.
- (2) Before granting consent for development on steep land, ridge lines or any land within Zone 7 (v), the consent authority should consult with the Department of Land and Water Conservation regarding the design, construction and maintenance of firebreaks in order to minimise erosion and sedimentation.

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Division 4

## 28 Land near activities requiring odour or noise buffer or near Zones 1 (e) and 4 (a)

- (1) This clause applies to land:
- (a) that is within the recommended buffer distance listed in Schedule 4 from the building, work or place in or at which an activity described in that Schedule is being carried out or from a building, work or place described in that Schedule, or
  - (b) that is within 40 metres of land within Zone 1 (e) or 4 (a) other than land on which such an activity is being carried out or from any such building or work.
- (2) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that measures can be taken for odour or noise control that will be sufficient to mitigate any adverse impacts on the proposed development and on surrounding existing activities from:
- (a) in the case of land described in subclause (1) (a)—activities, buildings, works or places described in Schedule 4, or
  - (b) in the case of land described in subclause (1) (b)—activities allowed within Zone 1 (e) or 4 (a).

**Note.** When considering noise or odour mitigation measures, Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls*, which sets out “deemed-to-comply” provisions.

## 29 Development in Zones 1 (e) and 4 (a) adjacent to existing and proposed residential zones and rural small holding zone

Consent may be granted for development on land within Zone 1 (e) and 4 (a) that is adjacent to land within Zone 1 (c), 1 (h), 2 (a) or 2 (v) only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the adjacent land in terms of:

- (a) its design, siting and landscaping, and
- (b) its methods and hours of operation, traffic generation and car parking, and
- (c) any noise, light, dust or odour nuisance that may arise from carrying out the proposed development, and
- (d) privacy and overshadowing.

**Note.** When considering noise or odour mitigation measures, Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls*, which sets out “deemed-to-comply” provisions.

Clause 30 Griffith Local Environmental Plan 2002

Part 3 Special provisions

Division 4 Hazards and buffers

**30 Residential development in Zones 1 (c), 1 (d), 1 (h), 2 (a) and 2 (v) adjacent to Zone 1 (a) or 1 (b)**

(1) **Objective:**

To locate residential development so that the impact of agricultural chemical spray drift on amenity and health is avoided.

(2) This clause applies to residential development on land within Zone 1 (c), 1 (d), 1 (h), 2 (a) or 2 (v) within 300 metres of land within Zone 1 (a) or 1 (b).

(3) Consent must not be granted to residential development, including a subdivision for a residential purpose, unless in the opinion of the consent authority:

(a) there will be a minimum distance of 300 metres between the boundary of the development site and the nearest agricultural land, if they are separated by open ground, or

(b) a buffer strip at least 40 metres wide will be created between the boundary of the development site and the nearest agricultural land that is comprised of a strip at least 20 metres wide (planted with trees at a density capable of stopping spray drift from the rural land) that is positioned between two strips each being at least 10 metres wide (that are clear of vegetation), or

(c) other measures will be put in place that will be adequate to prevent spray drift from the nearest agricultural land on to the development site.

**Note.** Performance criteria for other measures are contained in *Development Control Plan No 28—Landuse Buffer Controls* which sets out “deemed-to-comply” provisions.

**Division 5 Heritage conservation**

**31 Objectives**

The objectives of this plan in relation to heritage are:

(a) to conserve the environmental heritage of the City of Griffith local government area, and

(b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and

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Special provisions

Part 3

Heritage conservation

Division 5

- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
- (e) to ensure that heritage conservation areas throughout the City of Griffith retain their heritage significance.

### **32 Protection of heritage items and heritage conservation areas**

#### **(1) When is consent required?**

The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or a part of a heritage item,
- (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

#### **(2) What exceptions are there?**

Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:
  - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
  - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and

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Division 5 Heritage conservation

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- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument, or
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) **What must be included in assessing a development application?**  
Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) **What extra documentation is needed?**  
The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a *conservation management plan*, if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a *heritage item*:
- (i) the heritage significance of the item as part of the environmental heritage of the City of Griffith, and
- (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
- (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and



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- (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a *heritage conservation area*:
  - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
  - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
  - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
  - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
  - (v) whether any landscape or horticultural features would be affected by the proposed development, and
  - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
  - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
  - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

### 33 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 38.

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Division 5 Heritage conservation

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**34 Notice of demolition to the Heritage Council**

Before granting consent for the demolition of a heritage item identified in Schedule 6 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

**35 Development affecting places or sites of known or potential Aboriginal heritage significance**

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

**36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
  - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.

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- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
  - (b) is integrated development.

### 37 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
  - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
  - (b) that may undermine or otherwise cause physical damage to a heritage item, or
  - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

### 38 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and

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- (b) the proposed use is in accordance with a conservation management plan which has been approved by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

### **39 Development in heritage conservation areas**

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
  - (a) the pitch and form of the roof (if any),
  - (b) the style, size, proportion and position of the openings for windows or doors (if any),
  - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

## **Division 6 Miscellaneous provisions**

### **Subdivision 1 Additional controls for certain zones**

#### **40 Development in General Expansion Zone**

- (1) Consent must not be granted for a subdivision of land in Zone 1 (d) and use of the land for urban, rural residential, highway services or industrial development unless the consent authority is satisfied that:

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- (a) urban structure planning has been undertaken for the land and a structure plan for its future development has been adopted by the Council, and
  - (b) appropriate infrastructure and facilities are available to the land or can be provided to the land in a manner that does not create an unreasonable and uneconomic demand for the provision or extension of such infrastructure and facilities, and
  - (c) the Council is satisfied that sufficient demand exists for the release of land for the particular purpose for which it is intended to be developed, and
  - (d) a development control plan or master plan has been approved by the Council for the land or the applicant for consent has entered into a deed of agreement with the Council in reference to infrastructure works, and
  - (e) the release strategy land use and timetable is in accordance with the Growth Strategy 2030 map held in the office of the Council (except where any variation to the timetable complies with the provisions of Part E, clause 16 of the Strategy).
- (2) A master plan approved for the purposes of this clause must be available for inspection by the public at the office of the Council during its usual office hours.

#### **41 Retailing in Rural Industry and Employment Zone**

Consent may be granted for a shop in Zone 1 (e) only if:

- (a) the consent authority is of the opinion that the shop will serve the needs of the workforce within the locality, or
- (b) use of the shop will be ancillary to other development allowed in the zone and the shop is situated on the land on which that development is carried out.

#### **42 Development in Rural Mixed Use Zone**

- (1) A building within Zone 1 (g) must not be within 5 metres of an adjoining private property boundary without the consent in writing of the adjoining property owner.
- (2) The erection of a dwelling house on a site within Zone 1 (g) must be ancillary to or associated with other development on the site for which consent has been granted.

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#### **43 Development within Residential Zone in certain localities**

- (1) Consent must not be granted for a subdivision of land within Zone 2 (a) and use of the land for an urban purpose within the residential land release areas of Collina, South Griffith, Yoogali and Lake Wyangan defined in the *Growth Strategy 2030* held in the office of the Council unless:
  - (a) a development control plan or master plan has been approved by the Council for the land, and
  - (b) a contributions plan has been approved for the land,or the applicant for consent has entered into a deed of agreement with the Council in relation to infrastructure works.
- (2) A master plan approved for the purposes of this clause must be available for inspection by the public at the office of the Council during its usual office hours.

#### **44 Development in Open Space Zone**

Consent must not be granted to the carrying out of development on land within Zone 6 (a) unless the consent authority has considered:

- (a) the need for the proposed development on that land, and
- (b) the impact of the proposed development on the locality, and
- (c) the need to retain the land for its existing or likely future use.

### **Subdivision 2 Additional controls for certain localities**

#### **45 Development along Murrumbidgee River**

- (1) This clause applies to land adjoining the Murrumbidgee River.
- (2) Despite any other provision of this plan, a person must not, on land to which this clause applies, do any of the following except with development consent:
  - (a) erect a building for any purpose on land within 400 metres of any bank of the river,
  - (b) remove, cut down or otherwise destroy any tree on land within 60 metres of any bank of the river,
  - (c) carry out development for any purpose on, or subdivide, land within 20 metres of any bank of the river,

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- (d) carry out development for the purpose of:
- (i) a canal, or
  - (ii) a marina, pontoon, jetty, pier or other structure designed to provide a mooring or dry storage for one or more vessels used for any purpose, or
  - (iii) filling or extraction,
- on any land comprising the bed or any bank of the river.
- (3) Consent must not be granted to the erection of a building on land comprising:
- (a) a bed of the river, or
  - (b) land within Zone 1 (a) and within 100 metres of any bank of the river,
- unless, in the opinion of the consent authority, the building:
- (c) is ancillary to the use of that land for the purpose of a recreation area, or
  - (d) is to be used for the purpose of fisheries, irrigation works (or the pumping and treatment of water for private domestic consumption), marinas, utility installations or the servicing of vessels.
- (4) A consent referred to in subclause (2) or (3) must not be granted unless, in the opinion of the consent authority, the cutting down, removal or destruction of the tree or the proposed development on the land concerned, or the subdivision of the land concerned, for which consent is sought, will be carried out in a manner that, in respect of that land and the adjacent land, minimises:
- (a) the risk of soil erosion and other land degradation, and
  - (b) the loss of scenic amenity, and
  - (c) the loss of important vegetation systems and natural wildlife habitats, including fish habitats.

#### **46 Irrigation canals and channels**

- (1) Where land is used for the purpose of a water supply or drainage channel and comprises part of, or has a common boundary with, land that is the subject of a development application, the consent authority may, in granting consent, impose a condition that requires beautification works associated with that channel to be carried out.

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- (2) In deciding whether such works are necessary, the consent authority shall consider:
- (a) the visibility of that channel or its infrastructure from a public place, and
  - (b) whether the channel or its infrastructure requires maintenance or refurbishment, and
  - (c) the heritage significance associated with the channel and its infrastructure, and
  - (d) any submission from Murrumbidgee Irrigation.

#### **47 Development within the Lake Wyangan drainage catchment**

- (1) **Objective:**  
To ensure the environmental values of this closed drainage catchment are protected.
- (2) Consent must not be granted for residential development within the Lake Wyangan drainage catchment unless the consent authority is satisfied that:
- (a) each proposed lot and habitable building will be connected to a reticulated water supply, and
  - (b) each proposed lot and habitable building will be connected to a reticulated sewerage system, and
  - (c) each proposed lot will have a minimum width of 45 metres at the building alignment, and
  - (d) all dwellings will have a minimum setback of 10 metres off all boundaries.
- (3) In this clause, *Lake Wyangan drainage catchment* means land shown shaded on sheet 4 of the zoning map.

**Note.** Further development standards are contained within *Development Control Plan No 29—Lake Wyangan Drainage Catchment*.

#### **48 Development near licensed aerodrome**

- (1) A person must not, on land shown on sheet 5 of the zoning map, do any of the following except with development consent:
- (a) erect a building or structure of a height that exceeds the limitation specified for the land in the obstacle limitation surfaces plan,



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- (b) carry out development for the purpose of:
- (i) a dam or reservoir (not being a water storage dam for a public authority or a normal on-farm storage dam), or
  - (ii) the handling or storage of grain (other than development that is ordinarily incidental or ancillary to normal farming activities), or
  - (iii) the disposal of refuse, or
  - (iv) an abattoir, or
  - (v) a stock and saleyard.
- (2) An application made for development consent to carry out any development described in subclause (1) (a) must be referred by the consent authority to the Civil Aviation Safety Authority (CASA) for comment where a proposed building exceeds the height specified in the obstacle limitation surfaces plan.
- (3) In considering whether to grant consent to any such development, the consent authority shall take into account any comment furnished by the Civil Aviation Safety Authority (CASA) within 28 days (or such longer period as may be agreed on by the consent authority and the Authority from time-to-time before or after the expiration of the 28-day period) after referral of the application.
- (4) In this clause, *obstacle limitation surfaces plan* means the master plan produced in *Griffith Airport Study 1989*, showing obstacle limitation surface requirements in relation to Griffith Airport, being sheet 5 of the zoning map.

#### 49 Sound insulation of buildings near aerodrome

- (1) A person must not, without the consent of the consent authority, erect a building in an area for which an Australian Noise Exposure Forecast has been prepared by the Civil Aviation Safety Authority (CASA).
- (2) The consent authority must not grant consent to the erection of a residential building or a building intended for human occupation in such an area unless it is satisfied that measures will be taken:
- (a) that accord with the provisions of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia, and

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- (b) that will be adequate for the insulation of the building from aircraft noise,

where the consent authority considers the frequency of aircraft operations warrants preventative noise protection measures.

### **Subdivision 3 Additional controls for roads**

#### **50 Access**

A road or other means of access to an existing public road must not be opened without development consent.

#### **51 Development in Highway Service Business Zone and along arterial roads**

(1) **Objectives:**

- (a) To protect and improve the capacity, efficiency and safety of Kidman Way and Mackay Avenue, and
- (b) To enhance the streetscape adjacent to those roads, and
- (c) To prevent or reduce the potential impact of traffic noise on development adjacent to those roads.

- (2) In this clause, *nominated road* means Kidman Way, Mackay Avenue or any other arterial road.

- (3) This clause applies to land that:

- (a) has frontage to a nominated road, or
- (b) relies on a nominated road for its sole means of vehicular access, or
- (c) has direct access to another road at a point less than 90 metres from that road's intersection with a nominated road.

- (4) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capability or efficiency of the nominated road, and

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- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the nominated road is not impeded, and
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the nominated road, and
- (d) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and
- (e) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and
- (f) where practicable, access to the land is provided by a road other than the nominated road, and
- (g) a minimum 5 metre building line setback has been observed.

**Note.** *State Environmental Planning Policy No 11—Traffic Generating Developments* applies to Griffith City area.

#### **Subdivision 4 Provisions allowing additional development**

##### **52 Temporary development of land**

Consent may be granted to any development (other than designated development) that is elsewhere prohibited by a provision of this plan for a maximum period of 28 days, whether consecutive or not, in any one year.

##### **53 Development near zone boundaries**

- (1) **Objective:**  
To provide flexibility where detailed investigation of a site and its surroundings reveals that minor encroachment of development over the zone boundary would allow more effective and appropriate development of the site.
- (2) This clause applies to:
  - (a) land within 100 metres of a boundary between any two of Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 1 (h) and 1 (i), or

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- (b) land (other than land within Zone 7, 7 (c), 7 (v) or 7 (w)) within 20 metres of a boundary between any other zones.
- (3) Development may, with development consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone.
- (4) Consent may be granted to development referred to in subclause (3) only if the applicant demonstrates to the satisfaction of the consent authority that the proposed development is, due to planning, design, ownership, servicing or similar criteria, more appropriate than development allowed by the zoning of the land.

#### **54 Development of unzoned land**

- (1) **Objectives:**
  - (a) To control development on unzoned land, and
  - (b) To ensure that development of unzoned land is compatible with surrounding development and development allowed in surrounding zones.
- (2) A person must not carry out development on *unzoned land*, being any land shown uncoloured on the zoning map, except with development consent.
- (3) In deciding whether to grant consent to development on unzoned land, the consent authority must consider whether the proposed development is compatible with development allowed in the adjoining zone and the character of existing lawful development in the vicinity.

#### **55 Community use of school facilities and sites**

- (1) This clause applies to all land on which development for the purpose of schools, colleges or other educational establishments may be carried out.
- (2) Despite any other provision of this plan, consent may be granted to:
  - (a) the community use of facilities and sites of schools, colleges and other educational establishments, and
  - (b) the commercial operation of those facilities and sites, and
  - (c) the carrying out of development for community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any other purpose.

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- (3) Nothing in this clause requires consent for the carrying out of development on any land on which development could, but for this clause, be carried out on the land without consent.

## **Subdivision 5 Acquisition of land**

### **56 Acquisition of land**

- (1) The owner of any land within Zone 6 (a) that is not owned by the Council may, by notice in writing, require the Council to acquire the land and, on receipt of such a notice, the Council must acquire the land.
- (2) Nothing in subclause (1) requires the Council to acquire any land within Zone 6 (a) that could be required to be dedicated to the Council by the owner of the land as a condition of consent.

## **Subdivision 6 Other provisions**

### **57 Availability of essential services**

- (1) **Objectives:**
- (a) To ensure that development does not occur without adequate measures to protect the environment and the community's health, and
- (b) To ensure that development occurs in a coordinated and efficient manner and that costs attributable to it are borne equitably.
- (2) Consent must not be granted to the carrying out of development on any land unless:
- (a) a potable water supply and facilities for the removal or disposal of sewage and drainage water are available to that land, or
- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities,
- if the proposed use of the land will, in the opinion of the consent authority, generate a need for such a supply or for those facilities.

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### **58 Advertisements**

(1) **Objective:**

To ensure that signage relates either to the use of the land on which it is displayed or the promotion of tourism.

(2) Consent must not be granted to the display of an advertisement unless:

- (a) the advertisement relates to the use of the land on which it is to be displayed, or
- (b) the advertisement indicates the location of tourist facilities or activities, or places of scientific, historical or scenic interest.

**Note.** *State Environmental Planning Policy No 64—Advertising and signage* applies to the Griffith City area.

### **59 Classification and reclassification of public land as operational**

The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

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Zoning

Schedule 1

## Schedule 1 Zoning

(Clause 6 (3) and Dictionary)

### Part 1 Zones

Zone	Shown on the zoning map as coloured
1 (a) Rural	Light brown and lettered "1 (a)"
1 (b) Rural Agricultural Protection	Light brown and lettered "1 (b)"
1 (c) Rural Residential	Light brown and lettered "1 (c)"
1 (d) General Expansion	Light brown and lettered "1 (d)"
1 (e) Rural Industry and Employment	Light brown and lettered "1 (e)"
1 (f) Rural Forest	Light brown and lettered "1 (f)"
1 (g) Rural Mixed Use	Light brown and lettered "1 (g)"
1 (h) Rural Small Holdings	Light brown and lettered "1 (h)"
1 (i) Investigation	Light brown and lettered "1 (i)"
2 (a) Residential	Light scarlet and lettered "2 (a)"
2 (v) Village	Light scarlet and lettered "2 (v)"
3 (a) General Business	Light blue and lettered "3 (a)"
3 (b) Highway Service Business	Light blue and lettered "3 (b)"
4 (a) General Industrial	Purple and lettered "4 (a)"
5 (a) Special Uses	Yellow and lettered "5 (a)"
6 (a) Open Space	Dark Green and lettered "6 (a)"
6 (b) Open Space (Private Recreation)	Dark Green and lettered "6 (b)"
7 Environmental Protection—Fauna and Flora	Orange and lettered "7"
7 (c) Environmental Protection—Rural Living	Orange and lettered "7 (c)"
7 (v) Environmental Protection—Scenic	Orange and lettered "7 (v)"
7 (w) Environmental Protection—Wetlands	Orange and lettered "7 (w)"

### Part 2 Zoning map amendments

**Note.** This is currently blank.

Griffith Local Environmental Plan 2002

Schedule 2      Provisions to which SEPP 1 applies

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## **Schedule 2   Provisions to which SEPP 1 applies**

(Clause 6 (4))

Clause 12 (2) (a), (b) and (c)  
Clause 14 (2) (b)  
Clause 16 (2) (c) and (d)  
Clause 17 (d) and (e)  
Clause 18 (2) (d)  
Clause 19 (2) (a) and (b)  
Clause 21 (2) (a), (b) and (c)  
Clause 30 (3) (a) and (b)  
Clause 47 (2) (c) and (d)  
Clause 53 (2) (a) and (b)



Griffith Local Environmental Plan 2002

Excepted development

Schedule 3

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### Schedule 3 Excepted development

(Clause 8)

- (1) The carrying out by persons carrying on **railway undertakings** on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect their design of railway stations or bridges, and
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (2) The carrying out by persons carrying on public utility undertakings, being **water, sewerage, drainage, electricity, telecommunications or gas undertakings**, of any of the following development, being development required for the purpose of their undertakings, that is to say:
- (a) development of any description at or below the surface of the ground, or
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation, or

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## Griffith Local Environmental Plan 2002

Schedule 3      Excepted development

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- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks, or
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity, or
  - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (f) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
    - (ii) the formation or alteration of any means of access to a road.
- (3) The carrying out by persons carrying on public utility undertakings, being *water transport undertakings*, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being *wharf or river undertakings*, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or

Griffith Local Environmental Plan 2002

Excepted development

Schedule 3

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transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes; except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being *air transport undertakings*, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being *road transport undertakings*, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by the owner or lessee of a *mine* on the mine, of any development required for the purpose of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.

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## Schedule 3      Excepted development

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- (8) The carrying out of any development required in connection with the **construction, reconstruction, improvement, maintenance or repair of any road**, except the widening, realignment or relocation of such road.
- (9) The carrying out of any **forestry work** by State Forests or a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (10) The carrying out by the rural lands protection board for the district in which it is situated of any development required for the **improvement and maintenance of travelling stock and water reserves**, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) any development designed to change the use or purpose of any such reserve.
- (11) The carrying out or causing to be carried out by the Council or by the Department of Land and Water Conservation or by an irrigation corporation, engaged in any work for the purposes of **soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement** in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:
- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (12) The **control of noxious weeds** in accordance with the *Noxious Weeds Act 1993*.

Griffith Local Environmental Plan 2002

Buffer distances

Schedule 4

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## Schedule 4 Buffer distances

(Clause 28 (1))

	<b>Recommended buffer distance (metres)</b>
<b>Agriculture</b>	
Poultry farming:	
(a) for meat	500
(b) for eggs	400
Frost fan	1,000
Piggery	Such distance as may be specified by Council
Feedlots:	
(a) for dairy or beef cattle	5,000
(b) for other livestock	Such distance as may be specified by Council
Stock and saleyards	500
Winery	400
Greenhouses/hothouses:	
(a) using manure	100
(b) using refuse	300
Packing sheds	100
Mushroom production	Such distance as may be specified by Council
Composting	500
Intensive horticulture (in Zones 1 (a) and 1 (b) only)	40
<b>Mining and extractive industries</b>	
Open cut mining	
(a) for coal	1,000
(b) for other minerals	500
Extraction of:	
(a) natural gas	1,000
(b) crude oil of low sulphur content	300
Quarrying of:	
(a) hard rock, with blasting	500
(b) material other than hard rock, with blasting	300
(c) any material without blasting	200

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## Griffith Local Environmental Plan 2002

## Schedule 4 Buffer distances

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	<b>Recommended buffer distance (metres)</b>
<b>Manufacturing food, beverages and tobacco</b>	
Abattoirs	500
Smallgoods production	100
Milk products production	100
Vegetable oils or fats production using solvents	300
Flour mills	300
Bakeries	100
Seafood processing	500
Maltworks	300
Tobacco and cigarette factories	500
Other food or beverage production	Such distance as may be specified by Council
<b>Textiles</b>	
Dyeing or finishing of cotton, linen and woollen yarns and textiles	300
Production of carpet backing with latex	300
Production of artificial fibres and textiles:	
(a) cellulose nitrate or viscose fibre, cellophane or artificial rubber	1,000
(b) other synthetic fibres and textiles	500
Treatment or production of textiles:	
(a) using carbon disulphide	500
(b) using other substances	Such distance as may be specified by Council
Rope, cordage and twine manufacturing	100
Wool scouring	200
<b>Wood, wood products and furniture</b>	
Saw mills	300
Charcoal production:	
(a) by the retort process	500
(b) other than by the retort process	1,000
Wood preservation plants	100
Production of wood-fibre or wood-chip products	300
Joineries	100

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Griffith Local Environmental Plan 2002

Buffer distances

Schedule 4

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	<b>Recommended buffer distance (metres)</b>
<b>Paper and paper products</b>	
Manufacture of paper or paper pulp:	
(a) involving combustion of sulphur or sulphur containing materials	5,000
(b) from semi-processed materials	100
(c) from prepared cellulose and rags	200
(d) by other methods	Such distance as may be specified by Council
<b>Chemical, petroleum and coal products</b>	
Production or bulk storage of chemical fertilizers	1,000
Production or bulk storage of industrial gases	1,000
Production or bulk storage of polyester resins	1,000
Production or bulk storage of other synthetic resins or rubber	1,000
Production or bulk storage of ammunition, explosives or fireworks	1,000
Formaldehyde production	300
Paints and inks:	
(a) manufacture	1,000
(b) blending and mixing only	300
Production of pharmaceutical or veterinary products	1,000
Production of biocides	1,000
Production of soap and other detergents	300
Production of cosmetics and toilet preparations	100
Production of inks	300
Petroleum refineries	2,000
Briquette production	300
Production of other petroleum or coal products	500
Production of other organic industrial chemicals	1,000
Production of other inorganic industrial chemicals	1,000
Other chemical production	300
<b>Non-metallic mineral products</b>	
Manufacture of glass or glass products, including glass wool	500
Rock wool manufacture	500

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## Griffith Local Environmental Plan 2002

## Schedule 4 Buffer distances

	<b>Recommended buffer distance (metres)</b>
Bricks, tiles, pipes, refractories etc with an annual design production rate exceeding 10,000 tonnes per year	200
Production of cement in amounts:	
(a) not exceeding 5,000 tonnes per year	300
(b) exceeding 5,000 but not more than 150,000 tonnes per year	500
(c) exceeding 150,000 tonnes per year	1,000
Concrete batching plants	100
Bitumen batching plants	500
Production of concrete or stone articles	100
Manufacture of plaster products	100
<b>Basic metal products</b>	
Iron and steel production in amounts:	
(a) not exceeding 1,000,000 tonnes per year	500
(b) exceeding 1,000,000 tonnes per year	1,000
Production of non-ferrous metals:	
(a) aluminium by electrolysis	2,000
(b) other non-ferrous metals in amounts:	
(i) not exceeding 100 tonnes per year	100
(ii) exceeding 100 but not more than 2,000 tonnes per year	300
(iii) exceeding 2,000 tonnes per year	500
<b>Fabricated metal products</b>	
Manufacture of structural or sheet metal products	500
Manufacture of iron and steel products in amounts:	
(a) not exceeding 1,000 tonnes per year	500
(b) exceeding 1,000,000 tonnes per year	1,000
Manufacture of boilers	100
Abrasive blast cleaning	Such distance as maybe specified by Council
<b>Miscellaneous manufacturing</b>	
Rendering and casings works	1,000
Leather tanning and dressing	300
Leather and artificial leather goods production	300



## Griffith Local Environmental Plan 2002

## Buffer distances

## Schedule 4

	<b>Recommended buffer distance (metres)</b>			
Manufacture of rubber products, using organic solvents	300			
Fibreglass manufacturing	200			
Printing and coating works with heated curing ovens	500			
<b>Electricity, gas and water</b>				
Gas distribution works for mains supply	300			
Odourising gas with mercaptans	1,000			
<b>Sewerage works</b> serving a population of:	<1,000	<5,000	<20,000	<50,000
Mechanical/biological plants	100	200	300	400
Aerobic pondage systems	150	350	700	1,000
Facultative ponds	300	700	1,400	2,200
Secondary treated effluent applied by:				
(a) spray irrigation	200	200	200	200
(b) flood irrigation	50	50	50	50
<b>Transport and storage</b>				
Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:				
(a) with fixed roofs	300			
(b) with floating roofs	100			
Grain elevators	300			
Storage of wet-salted or unprocessed hides	300			
Warehousing of bulk volatile organic compounds in quantities greater than 1,000 tonnes	1,000			
Temporary storage of industrial wastes	300			
Treatment of aqueous waste	300			
Treatment of organic waste	500			
Waste incinerator:				
(a) for wood waste	300			
(b) for plastic or rubber waste	500			
(c) for chemical, biomedical or organic waste	Such distance as may be specified by Council			
<b>Waste management facilities</b>				
Sanitary and garbage disposal services landfills	500 (residential zone) 250 (dwelling not associated with development)			
Recycling and composting	200			

## Griffith Local Environmental Plan 2002

## Schedule 4 Buffer distances

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	<b>Recommended buffer distance (metres)</b>
Depots for refuse collection vehicles	100
Temporary storage of industrial waste	300
Treatment of aqueous waste	200
Treatment of organic waste	500
<b>Recreation, personal and other services</b>	
Industrial dry cleaners	100
Crematoria	300

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Griffith Local Environmental Plan 2002

Reclassification of land

Schedule 5

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## Schedule 5    Reclassification of land

(Clause 59)

### Griffith

Griffin Avenue and Yarrabee Street

Lot 1, DP 618184, adjacent to the main canal north of Griffin Avenue and east of Yarrabee Street, as shown edged heavy black on the map marked "Griffith Local Environmental Plan 1994 (Amendment No 3)".

## Griffith Local Environmental Plan 2002

Schedule 6 Heritage conservation

**Schedule 6 Heritage conservation**

(Dictionary)

**Archaeological sites**

Nil.

**Heritage conservation areas**

- 1 Northern side of Banna Avenue between Ulong Street and Tranter Place, being Sections 8 and 9, Banna Avenue, including CWA Hall, rest and craft rooms; War Memorial Hall; Study Centre; State Bank; Memorial Gardens (between Kooyoo and Ulong Streets, Section 8); Cenotaph and Court House.
- 2 Yenda Town Centre (bounded by Stanbridge Lane, Stanbridge Street, Fire Station Lane, the southern boundaries of Lot 6, Section 7 and Lot 16, Section 6, north along South and Bingar Streets to North Lane).

**Heritage items**

Treasureway Building (old Lyceum Theatre)	Lots 29 and 30, Section 4, 300–304 Banna Avenue
Commonwealth Bank	Part Lot 16, Section 4, 246–250 Banna Avenue
Victoria Hotel	Lots 22, 23 and 24, Section 6, 384–390 Banna Avenue
Griffith High School	Section 39, 82–86 Coolah Street
Sacred Heart Catholic Church	Section 44, 1–9 Warrnambool Street
St Alban's Church of England	Section 32, 107 Binya Street
Biocon	Lot 1, DP 717234, 36 Banna Avenue
Old Producer's Offices, Weighbridge and Kiosk	Lots 909 and 910, DP 751709, 45–53 Banna Avenue
Cheese Factory	Lot 259, DP 751709, Kendall Lane, Hanwood
Bagtown Cemetery	Lot 731, DP 751709 (R52849), Pedley Road, Hanwood
Pavilion and Woodside Hall	Lot 1042, DP 751709, 8–31 Griffith Showground, Murrumbidgee Avenue
Early Commission Residence	40 Mirrool Avenue, Yenda

Griffith Local Environmental Plan 2002

Dictionary

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## Dictionary

(Clause 6 (1))

***advertisement*** has the meaning ascribed to it in section 4 of the Act.

***agribusiness*** means an activity, industry or occupation based on or associated with rural activities on the subject land or in the locality.

***agriculture*** means horticulture, the cultivation of crops (including cereals, fruit, vegetable or flower crops), horticultural, irrigation and dry land farming and includes:

- (a) the keeping or breeding of livestock, bees or poultry and other birds, and
- (b) the cultivation of plants in a wholesale plant nursery, for commercial purposes.

***airline terminal*** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport.

***alter***, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work otherwise than by way of maintenance.

***animal establishment*** means a building or place used for breeding, boarding, training, keeping or caring for animals for commercial purposes, and includes a riding school and veterinary clinic.

***appointed day*** means the day on which this plan took effect.

***aquaculture*** means cultivating (including propagating and rearing) the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose or is by use of an artificially created body of water.

***archaeological site*** means a site identified as an archaeological site in Schedule 6.

***arterial road*** means an existing road indicated on the zoning map by heavy broken black lines.

***AWTS*** means aerated wastewater treatment systems.

Griffith Local Environmental Plan 2002

Dictionary

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***bed and breakfast establishment*** means an existing lawful dwelling that is used by its permanent residents for the temporary accommodation of visitors for commercial purposes.

***boarding house*** includes a house let in lodgings or a hostel, but does not include a motel.

***boundary adjustment*** means a subdivision of land that does not create a greater number of lots than the number of lots comprising the land immediately before it is subdivided.

***brothel*** means premises habitually used for the purposes of prostitution or premises that are designed to be used for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

***bus depot*** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

***bus station*** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

***bushfire hazard reduction*** means bushfire hazard reduction works in accordance with an approved bushfire risk management plan.

***car park*** means land used for the parking of private passenger vehicles.

***car repair station*** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building, or
- (b) panel beating that involves dismantling, or
- (c) spray painting other than of a touching-up character.

***caravan park*** means an area used for the purpose of:

- (a) placing moveable dwellings (within the meaning of the *Local Government Act 1993*) for permanent occupation or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists, or
- (c) a camping ground.

Griffith Local Environmental Plan 2002

Dictionary

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***child care centre*** means a building or place that is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*,
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

***clear*** means remove or destroy vegetation or structures.

***club*** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976*.

***cluster housing*** means integrated residential development that consists of:

- (a) the subdivision of land into three or more lots and the erection of a single dwelling on each lot that will be subject to a strata management statement, or restriction as to user, that prohibits any other dwelling on those lots, or
- (b) the erection of a single dwelling on each of three or more lots proposed to be created by a subdivision where the erection of the dwellings occurs prior to the issue of a subdivision certificate for the subdivision.

***commercial premises*** means a building or place used as an office or for other business or commercial purposes, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

***community facility*** means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but (in the table to clause 10) does not include a building or place elsewhere defined in this Dictionary.

Griffith Local Environmental Plan 2002

Dictionary

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**conservation plan** means a document establishing the significance of a heritage item or a heritage conservation area and identifying the policies and management options that are appropriate to enable that significance to be retained in its future use and development.

**convenience store** means a shop selling a variety of small consumer goods and petrol, oil and petroleum products, whether or not other goods are available for hire there.

**demolish** or **demolition** means the destruction, pulling down, dismantling or removal of a building or structure, in whole or in part and, in relation to a heritage item, includes the damaging or defacing of the heritage item in whole or in part.

**depot** means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the table to clause 10) does not include a building or place elsewhere defined in this Dictionary.

**dry land** means rural land situated outside an irrigation area or district.

**dual occupancy** means 2 dwellings, whether detached or not, on a single lot.

**dwelling** means a room or suite or rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate residence.

**dwelling house** means a building containing one, but not more than one, dwelling.

**educational establishment** means land used for a primary or secondary school, a museum, gallery, or a tertiary education institution (being a university, technical college, TAFE establishment or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act).

It includes ancillary residential accommodation and facilities for students or staff, and land does not cease to be an educational establishment if there is community use or development for the purpose of a community use of the facilities or the land, whether for gain or not.

It does not include an institution, a training facility or a child care centre.



Griffith Local Environmental Plan 2002

Dictionary

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***environmental conservation*** means the protection, rehabilitation or restoration of land, which is consistent with practices agreed to or authorised by:

- (a) the Department of Land and Water Conservation (in relation to erosion control, management of drainage corridors and other activities the responsibility of that Department), or
- (b) the Department of Agriculture (in relation to conservation farming and other activities the responsibility of that Department), or
- (c) the National Parks and Wildlife Service (in relation to conservation of sites of archaeological significance, flora or fauna habitat or other activities the responsibility of that Service), or
- (d) Fisheries NSW (in relation to managing fish, fish habitat and aquatic biodiversity and other activities the responsibility of that agency), or
- (e) the Council.

***exhibition home*** means a single dwelling on temporary display.

***existing holding*** means:

- (a) the area of a farm, lot, portion or parcel of land as it was at 18 November 1998, and
- (b) if, as at 18 November 1998, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at that date.

***extractive industry*** means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land,

but does not include earthworks or works for drainage and landfill or maintenance dredging.

***extractive material*** means sand, gravel, clay, turf, soil, rock, stone or similar substances.

## Griffith Local Environmental Plan 2002

## Dictionary

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**forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a saw mill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

**frost control fan** means a structure not more than 11 metres in height used for dispersal of frost and includes a device that consists of a tower approximately 10–11 metres in height with a 5.5–6 metre long propeller/blade at the top. An engine is mounted at the base of the tower and is used to drive the blade via driveshafts and gearing. The head of the fan rotates through 360 degrees on a vertical axis with the blade spinning at around 600 revolutions per minute. The head of the fan takes approximately 5 minutes to complete one 360 degree rotation.

**funeral establishment** means a building or place used for the conducting of funerals and for any associated activities which may include the provision of a crematorium, mortuary, preparation areas, offices, caretaker's accommodation or the like, but does not include premises used solely as an office.

**general store** means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**health care professional** means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors Act 2001* or *Osteopaths Act 2001*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945* or *Physiotherapists Act 2001*, and
- (d) an optometrist registered under the *Optometrists Act 1930* or *Optometrists Act 2002*.

**helipad** means an area or place not open to public use that is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

Griffith Local Environmental Plan 2002

Dictionary

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**heritage conservation area** means land described as a heritage conservation area in Schedule 6 and includes buildings, works, relics, trees and places situated on or within that land.

**heritage item** means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described as a heritage item in Schedule 6.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**home business** means an activity, industry or occupation carried on in a single dwelling, or in the curtilage of a single dwelling, by a permanent resident or permanent residents of the dwelling:

- (a) that does not adversely affect the amenity of the neighbourhood by reason of:
  - (i) the creation of or increase in traffic movements, motor or heavy vehicle servicing or the reduction of parking availability in the vicinity or the dwelling, or
  - (ii) the creation of noise, vibration, smoke, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or other substances, or
  - (iii) changes to the visual character of the dwelling, and
- (b) where no articles or goods are displayed, sold, advertised or offered for sale on or from the dwelling or lot on which the dwelling is located, and
- (c) where no or only one sign is in or on the dwelling that displays the name of the business and the names of the residents who conduct the business, and
- (d) that is not a use of the dwelling for a bed and breakfast establishment, brothel, child care centre or medical centre.

**horticulture** means the permanent planting of fruit trees, vegetables, vines or nuts for commercial purposes and includes such uses as glasshouses, flower growing and hydroponics.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

## Griffith Local Environmental Plan 2002

## Dictionary

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- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
  - (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

**industry** means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade, sale or gain or as ancillary to any business,

but (in the table to clause 10) does not include an extractive industry, light industry, rural industry or offensive or hazardous industry.

**institution** means a penal or reformatory establishment.

**intensive livestock keeping establishment** means a building or place declared to be designated development by the regulations under the Act in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) a fish farm (including a place at which crustaceans or oysters are produced or grown),

but does not include an animal establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

**irrigation land** means land that falls within the appropriate irrigation district or irrigation area as shown on the map "Griffith City Council Area" prepared by Murrumbidgee Irrigation held in the office of the Council and is not used for horticulture.

Griffith Local Environmental Plan 2002

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***itinerant workers' accommodation*** means a site used for the purpose of:

- (a) placing moveable dwellings for temporary accommodation by itinerant workers, or
- (b) the erection, assembly or placement of cabins for temporary accommodation by itinerant workers.

***junk yard*** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

***light industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

***liquid fuel depot*** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

***market*** means a building or place used for the display and sale of primary products.

***medical centre*** means a building used by one or more legally qualified medical practitioners or by one or more dentists within the meaning of the *Dentists Act 1989* or *Dental Practice Act 2001*, or by one or more health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and who employ ancillary staff in connection with that practice, but does not include methadone clinics adjacent to schools.

Where the building is not located on land within Zone 3 (a), a building is not a medical centre if the total number of medical practitioners, dentists and health care professionals practising within the building exceeds 3.

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or

Griffith Local Environmental Plan 2002

Dictionary

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by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***motel*** means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

***motor showroom*** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in it or on it.

***multi-dwelling housing*** means development on one lot comprising 3 or more dwelling units.

***neighbourhood centre*** means an integrated development containing shops and commercial premises that serve the local community and are limited in scale, with ancillary parking and landscaping and whether or not it also contains development for the purpose of a bus station, child care centre, club, community facility, dwelling attached to other buildings, hotel, place of assembly, place of public worship, medical centre, public building, recreation facility, refreshment room, retail plant nursery or service station.

***offensive or hazardous industry*** means an industry to which *State Environmental Planning Policy No 33—Hazardous and Offensive Development* applies.

***place of assembly*** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl, racecourse, showground, or any other building of a like character used as such and whether used for the purposes of gain or not, but (in the table to clause 10) does not include a place of public worship, an institution or an educational establishment.

***place of public worship*** means a building or place used for the purpose of religious worship whether or not in the Christian faith and whether or not the building or place is also used for counselling, social events, instruction or religious training.

***plant hire*** means use of a building or place for the display and hire of machinery.

Griffith Local Environmental Plan 2002

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***principles of ecologically sustainable development*** means the principles derived from the following paragraphs:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
  - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
  - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and
  - (ii) the users of goods and services should pay prices based on the costs involved in the full cycle of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
  - (iii) environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Griffith Local Environmental Plan 2002

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***protected lands*** means environmentally sensitive land shown vertically hatched on the zoning map.

***public building*** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

***public utility undertaking*** means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any government department or under the authority of, or in pursuance of, any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services or investigation services,
- (c) emergency services,
- (d) waste management facilities,
- (e) telecommunications, radio and television transmission,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

***recreation area*** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide facilities for those purposes,

but does not include a racecourse or a showground.

***recreation establishment*** means a health farm, religious retreat house, rest home, youth camp or the like, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.



Griffith Local Environmental Plan 2002

Dictionary

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**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

**recreation vehicle area** means land so defined in the *Recreation Vehicles Act 1983*.

**refreshment room** means a restaurant, café, tearoom, eating house or the like.

**relative**, in relation to a person, means the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the local government area of the City of Griffith which is 50 or more years old.

**research facility** means a building or place used for systematic investigation.

**residential development** means development, including subdivision, for the purpose of cluster housing, 3 or more dwellings, itinerant workers' accommodation, multi-dwelling housing, residential flat buildings or rural workers' dwellings.

**residential flat building** means a building that comprises:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that do not protrude more than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings,

but does not include a class 1a building or a class 1b building under the *Building Code of Australia*.

**restricted premises** means business premises or a shop that, due to its nature, restricts access to customers over 18 years of age and includes a sex shop and the like, but does not include a tavern, hotel or brothel.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold at it.

Griffith Local Environmental Plan 2002

Dictionary

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***retailing of bulky goods*** means use of land for the sale by retail or auction, or the hire or display, or articles that are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the premises by members of the public for the purpose of loading articles into their vehicles after purchase.

Use of the land may include:

- (a) plant sales and hire (that may include associated repairs and service), and
- (b) vehicle parts and accessory sales (that may include fitting), and
- (c) the sale of hardware, or landscaping or building supplies, and
- (d) the sale of furniture, floor coverings, light fittings, large electrical goods, swimming pools, spas or camping equipment.

It does not include use of land for the sale of clothing or foodstuffs, or a motor showroom.

***retirement accommodation*** means accommodation required for a relative who has retired from the family farm.

***road transport terminal*** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

***roadside stall*** means a building or place not exceeding 20 square metres in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

***rural industry*** means handling, treating, processing, packing or transportation of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

***rural tourist facility*** means:

- (a) educational or recreational facilities for tourists that may include ancillary accommodation and are based on the rural, scenic or natural attributes of the locality, or
- (b) tourist accommodation associated with the dwelling and farm buildings on a property principally used for primary production.

Griffith Local Environmental Plan 2002

Dictionary

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**rural worker's dwelling** means a dwelling:

- (a) that is the second dwelling on land on which there was a single dwelling, and
- (b) that is occupied by persons engaged in rural occupations on that land.

**saw mill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing that involves top overhaul of motors, body building, panel beating or spray painting, or suspension, transmission or chassis restoration).

**shop** or **shopping centre** means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

**speedway** means a track for racing cars, motorcycles and the like and includes ancillary facilities for parking, a playground, landscaping, liquor sales, recreation facilities, a refreshment room, roads and toilet facilities.

**stock and saleyard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**swimming pool** means a pool ancillary to a dwelling occupied for private use only.

Griffith Local Environmental Plan 2002

Dictionary

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**temporary building development**, in relation to an application for a complying development certificate, means the erection of a building and its use for a period not exceeding 5 years specified in the application for the complying development certificate, being a building that is not used for residential purposes, or for the storage or handling of inflammable materials.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the Council** means Griffith City Council.

**tourist facility** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, houseboat facilities, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.

**transport terminal** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

**turf farming** means the commercial cultivation, and removal from land, of turf.

**utility installation** means:

- (a) a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom, or
- (b) a radio, television or telecommunications transmission tower.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery involving body building, panel beating or spray painting.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

**waste management facility** means any council-controlled premises or works used for the storage, treatment, reprocessing, sorting or disposal of waste and, without limiting the generality of the foregoing, includes:

- (a) waste management and disposal centres, including landfill sites and waste transfer stations, and
- (b) recycling facilities, including material recovery facilities and waste processing facilities, and

Griffith Local Environmental Plan 2002

Dictionary

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- (c) parking or storage areas for equipment and plant associated with the Council's waste management program.

**wetland** means land that forms a shallow water body when inundated cyclically, intermittently or permanently, being inundation that determines the type and productivity of soils and plant and animal communities.

**zoning map** means the series of maps marked "Griffith Local Environmental Plan 2002", as amended by the maps (or specified sheets of the maps) listed in Part 2 of Schedule 1.



New South Wales

## **Liverpool Local Environmental Plan 1997 (Amendment No 67)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00409/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Liverpool Local Environmental Plan 1997 (Amendment No 67)

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## **Liverpool Local Environmental Plan 1997 (Amendment No 67)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 67)*.

### **2 Aims of plan**

This plan aims to amend the map supporting *Liverpool Local Environmental Plan 1997* to adjust the zoning boundaries of the land to which this plan applies in accordance with the existing subdivision patterns.

### **3 Land to which plan applies**

This plan applies to land situated in the City of Liverpool, being certain land at Prestons, Hinchinbrook and West Hoxton, as shown edged heavy black on Sheets 1–3, respectively, of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 67)” deposited in the office of Liverpool City Council.

### **4 Amendment of Liverpool Local Environmental Plan 1997**

*Liverpool Local Environmental Plan 1997* is amended by inserting in appropriate order in the definition of *The Map* in clause 6 (1) the following words:

Liverpool Local Environmental Plan 1997 (Amendment No 67)



New South Wales

## **Manly Local Environmental Plan 1988 (Amendment No 57)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01753/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning



Clause 1 Manly Local Environmental Plan 1988 (Amendment No 57)

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## **Manly Local Environmental Plan 1988 (Amendment No 57)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Manly Local Environmental Plan 1988 (Amendment No 57)*.

### **2 Aims of plan**

This plan aims to make specific provisions to assist in the implementation of the tourism policies and strategies in *Manly Local Environmental Plan 1988* to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.

### **3 Land to which plan applies**

This plan applies to land situated in the local government area of Manly, being:

- (a) land fronting or in the vicinity of South Steyne, bounded by Victoria Parade and Ashburner Street, Manly, and known as 9–13 South Steyne, Manly, and
- (b) land fronting North Steyne and Raglan Street, Manly (including the airspace over Francis Lane), and known as 58 North Steyne, Manly,

as shown edged heavy black on the map marked “Manly Local Environmental Plan 1988 (Amendment No 57)” deposited in the office of Manly Council.

### **4 Amendment of Manly Local Environmental Plan 1988**

*Manly Local Environmental Plan 1988* is amended as set out in Schedule 1.

Manly Local Environmental Plan 1988 (Amendment No 57)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 10 Zone objectives and development control table

Omit “and” where lastly occurring in item 1 (g) of the matter relating to Zone No 2 in the Table to the clause.

### [2] Clause 10, Table

Insert at the end of item 1 (h) of the matter relating to Zone No 2:

, and

- (i) to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which *Manly Local Environmental Plan 1988 (Amendment No 57)* applies.

### [3] Clause 36

Insert in appropriate order:

#### **36 Development at 9–13 South Steyne and 58 North Steyne, Manly**

- (1) This clause applies to:
  - (a) land fronting or in the vicinity of South Steyne, bounded by Victoria Parade and Ashburner Street, Manly, and known as 9–13 South Steyne, Manly, and
  - (b) land fronting North Steyne and Raglan Street, Manly (including the airspace over Francis Lane), and known as 58 North Steyne, Manly,

as shown edged heavy black on the map marked “Manly Local Environmental Plan 1988 (Amendment No 57)”.

- (2) Despite any other provision of this plan, consent must not be granted for the use of any building situated, as at 12 August 2002, on the land to which this clause applies for the purpose of a residential flat building.



## Mulwarae Local Environmental Plan 1995 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00225/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Mulwaree Local Environmental Plan 1995 (Amendment No 7)

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## **Mulwaree Local Environmental Plan 1995 (Amendment No 7)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Mulwaree Local Environmental Plan 1995 (Amendment No 7)*.

### **2 Aims of plan**

This plan aims:

- (a) to conserve the scenic and environmental values of the land adjoining the Wombeyan Caves Reserve, and
- (b) to permit development, with the consent of Mulwaree Shire Council, which is ecologically sustainable and compatible with the philosophies of the Jenolan Caves Reserve Trust.

### **3 Land to which plan applies**

This plan applies to land near the Wombeyan Caves Reserve within the local government area of Mulwaree, as shown edged heavy black on the map marked "Mulwaree Local Environmental Plan 1995 (Amendment No 7)" deposited in the office of Mulwaree Shire Council.

### **4 Amendment of Mulwaree Local Environmental Plan 1995**

*Mulwaree Local Environmental Plan 1995* is amended as set out in Schedule 1.

Mulwaree Local Environmental Plan 1995 (Amendment No 7)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Mulwaree Local Environmental Plan 1995 (Amendment No 7)

### [2] Clause 8 Zones indicated on the map

Insert in appropriate order in clause 8 (1):

Zone No 7 (b1) (Environmental Preservation)—edged heavy black and lettered “7 (b1)”.

### [3] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Table to the clause:

#### Zone No 7 (b1) (Environmental Preservation)

##### 1 Objectives of zone

The objective of this zone is to preserve the scenic amenity and landscape values of the land surrounding and adjoining the Wombeyan Caves Reserve (*the Reserve*):

- (a) by enabling development of the land within this zone only where that development will maintain or enhance:
  - (i) the scenic environment in the areas surrounding and adjoining the Reserve, and
  - (ii) key landscape features, being the dominant ridge lines and slopes of the intermediate ridges forming a visual backdrop to the Reserve, and
  - (iii) the unique and delicate karst environment surrounding the Reserve, and
- (b) by ensuring that development maintains the existing character of the locality and minimises disturbance to the scenic values and landscape features through clearing, earthworks, access roads and the construction of buildings, and

## Mulwaree Local Environmental Plan 1995 (Amendment No 7)

## Schedule 1 Amendments

- 
- (c) by excluding development which is visually intrusive or which would to any extent degrade the environmental value, landscape integrity or visual amenity of land within this zone or surrounding zones.

**2 Without development consent**

Agriculture (but not including the growing of fruit or vegetables, or other horticulture).

**3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4 Prohibited**

Boarding houses (other than in association with a tourist facility); child care centres; clubs; commercial premises; dog breeding or boarding; educational establishments; extractive industries; hospitals; hotels; industries; institutions; intensive livestock keeping establishments; junkyards; mines; motels (other than in association with a tourist facility); motor showrooms; offensive or hazardous industries; places of assembly (other than in association with a tourist facility); places of public worship; professional consulting rooms; refreshment rooms (other than in association with a tourist facility); residential flat buildings; shops (other than in association with a tourist facility); taverns; units for aged persons.

**[4] Clause 41**

Omit the clause. Insert instead:

**41 Tree clearing**

- (1) In this clause:

*catchment area* means land shown hatched on Sheet 7 of the map.

*clearing* means the removal of trees and other vegetation, and includes clearing within the meaning of, and carried out in accordance with a regional vegetation management plan in force under, Part 3 of the *Native Vegetation Conservation Act 1997* and the killing of trees by chemicals and other means, but does not include the following:

## Mulwaree Local Environmental Plan 1995 (Amendment No 7)

## Amendments

## Schedule 1

- 
- (a) the clearing of regrowth (that is, trees or shrubs that are less than 3 metres in height and are on land previously cleared for agricultural use),
  - (b) the eradication of noxious weeds,
  - (c) the cutting down of individual trees for farm purposes such as fencing,
  - (d) the clearing of native vegetation for which development consent is required by the *Native Vegetation Conservation Act 1997*.

**tree** includes a sapling, shrub or scrub, but does not include commercial plantings of fruit trees and any trees declared noxious under any legislation.

- (2) A person must not clear land in the Parish of Baw Baw, Narrangarrii, Rhyana or Wayo, which form the catchment area for the Goulburn City water supply, without the consent of the Council.
- (3) A person must not clear land within Zone No 7 (b) or 7 (b1) without the consent of the Council.
- (4) The Council must not consent to the clearing of any such land unless:
  - (a) in the opinion of the Council, the clearing will be carried out in a manner which minimises:
    - (i) the risk of soil erosion or other land degradation, and
    - (ii) the risk of water pollution through increased nutrients, siltation, sedimentation or otherwise, and
    - (iii) the destruction of significant vegetation communities, and
    - (iv) the impact on the visual and scenic amenity of the area, and
    - (v) the impact to karst systems in the locality, and
  - (b) the area to be cleared does not exceed one hectare and is not within 30 metres of a watercourse, and
  - (c) the potential impacts on threatened species, endangered ecological communities and habitat linkages for wildlife have been minimised, and

## Mulwaree Local Environmental Plan 1995 (Amendment No 7)

## Schedule 1 Amendments

- 
- (d) an Aboriginal cultural heritage survey has been conducted and the clearing will not impact on Aboriginal sites.
- (5) The consent of the Council is not required by this plan for:
- (a) clearing that is reasonably necessary for the carrying out of development the purpose of:
    - (i) a permanent fence, or
    - (ii) an access trail up to 10 metres wide, or
    - (iii) a cut line for stock movement up to 20 metres wide, or
    - (iv) a firebreak up to 30 metres wide, or
    - (v) a road up to 20 metres wide, or
    - (vi) a telephone, power, gas or water line, but only if the land cleared is not more than 30 metres wide, or
    - (vii) a drain up to 20 metres wide to a dam, a bore drain or an irrigation channel, or
  - (b) clearing consisting of lopping trees to provide stock feed in times of drought, provided that the method and extent of the lopping ensures the survival and continued health of the trees, or
  - (c) clearing the regrowth of trees which are less than 3 metres in height on any land which:
    - (i) was lawfully cleared before the commencement of this clause as inserted by *Mulwaree Local Environmental Plan 1995 (Amendment No 7)*, or
    - (ii) has been cleared in compliance with this clause, or
  - (d) clearing consisting of pruning trees for the purpose of their regeneration or ornamental shaping, or
  - (e) clearing consisting of removing trees which are dangerous, or
  - (f) bush fire management in accordance with the *Rural Fires Act 1997*, or
  - (g) clearing to enable the establishment or continuation of horticulture approved by the Council on land within Zone No 7 (b) or 7 (b1).



Mulwara Local Environmental Plan 1995 (Amendment No 7)

Amendments

Schedule 1

- 
- (6) Nothing in this clause restricts or otherwise affects clearing that is carried out in accordance with a consent required by the *Native Vegetation Conservation Act 1997*.



New South Wales

## **Tweed Local Environmental Plan 2000 (Amendment No 25)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00190/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 25)

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## **Tweed Local Environmental Plan 2000 (Amendment No 25)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is the *Tweed Local Environmental Plan 2000 (Amendment No 25)*.

### **2 Aims of plan**

This plan aims to enable development of land to which this plan applies for the purpose of urban residential dwellings.

### **3 Land to which plan applies**

This plan applies to land situated in the local government area of Tweed, being Part Lot 2 DP830595, Riveroak Drive, Murwillumbah, as shown edged in heavy black on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 25)" deposited in the office of Tweed Shire Council.

### **4 Amendment of Tweed Local Environmental Plan 2000**

*Tweed Local Environmental Plan 2000* is amended by inserting the following in appropriate order in Part 2 of Schedule 6:

Tweed Local Environmental Plan 2000 (Amendment No 25)



## **Warringah Local Environmental Plan 2000 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02426/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Warringah Local Environmental Plan 2000 (Amendment No 9)

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## **Warringah Local Environmental Plan 2000 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 9)*.

### **2 Aims of plan**

This plan aims to extend the time limit on the life of *Warringah Local Environmental Plan 2000* and to improve the operation of that plan.

### **3 Land to which plan applies**

This plan applies to all land within Warringah to which that plan applies.

### **4 Amendment of Warringah Local Environmental Plan 2000**

*Warringah Local Environmental Plan 2000* is amended as set out in Schedule 1.

Warringah Local Environmental Plan 2000 (Amendment No 9)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 4 How long will this plan have effect?

Omit “2” wherever occurring in clause 4 (1) and (2). Insert instead “4”.

### [2] Clause 4

Omit the note to the clause.

### [3] Clause 14 How will development of land be controlled?

Insert after clause 14 (1):

- (2) Notwithstanding subclause (1), subdivision, other than when exempt development, is Category Two development.

### [4] Clause 14 (3)

Renumber former clause 14 (2) as clause 14 (3).

### [5] Dictionary

Omit paragraph (c) of the definition of *complementary and compatible use*.

Insert instead:

- (c) that meets any of the following criteria:
  - (i) the scale and intensity of the activity are such that it predominantly serves only the needs of residents of the local area,
  - (ii) the activity is for the purpose of housing for older people or people with disabilities,
  - (iii) the activity is for the purpose of low intensity and low impact temporary accommodation for travellers or students, or both.

## Roads and Traffic Authority

### ROADS ACT 1993

#### Notice under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation, 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Paul Forward**  
**Chief Executive**  
**Roads and Traffic Authority**

#### Schedule

##### 1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No 10/2002.

##### 2. Commencement

This Notice takes effect from the date of gazettal.

##### 3. Effect

This Notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

##### 4. Application

This Notice applies to those 25 metre B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

##### 5. Routes

###### B-Double routes within the Sydney Region

Type	Road	Starting point	Finishing point	Conditions
25	Princes Hwy-King St-Sydney Park Rd,	Waterfall Toll Gates	Euston Rd, Alexandria	Travel applies in either direction.

**Roads Act 1993**  
**Notice under Clause 17 of the Road Transport (Mass, Loading and Access)**  
**Regulation, 1996**

**Hastings Council**, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Bernard Smith**  
**General Manager**  
**Hastings Council**  
**(by delegation from the Minister for Roads)**

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**Schedule**

1. Citation  
This Notice may be cited as the Hastings Council B-Doubles Notice No 2/2002.
2. Commencement  
This Notice takes effect from date of gazettal.
3. Effect  
This Notice remains in force until 2/12/2007 unless it is amended or repealed earlier.
4. Application  
4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.
5. Routes

**B-Double routes within the Hastings Council**

<b>Type</b>	<b>Road No</b>	<b>Road Name</b>	<b>Starting point</b>	<b>Finishing point</b>	<b>Conditions</b>
25	000	Sancrox Road, Port Macquarie	Pacific Highway	Sancrox Quarry Road (approx 300m)	



**Roads Act 1993**  
**Notice under Clause 17 of the Road Transport (Mass, Loading and Access)**  
**Regulation, 1996**

Maclean Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Mr Ross Bryant**  
**General Manager**  
**Maclean Shire Council**  
**(by delegation from the Minister for Roads)**

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**Schedule**

1. Citation  
This Notice may be cited as the Maclean Shire Council B-Doubles Notice No. 01/2002.
2. Commencement  
This Notice takes effect from date of gazettal.
3. Effect  
This Notice remains in force until 1 December 2007 unless it is amended or repealed earlier.
4. Application
  - 4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.
5. Routes

**B-Double routes within the Maclean Shire Council**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25m	000	Watts Lane, Harwood Island	Pacific Highway	North Arm Drive	Nil
25m	000	North Arm Drive, Harwood Island	Watts Lane	258 North Arm Drive (Rynley's depot)	

**Roads Act 1993**  
**Notice under Clause 17 of the Road Transport (Mass, Loading and Access)**  
**Regulation, 1996**

Queanbeyan City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Hugh A Percy**  
**General Manager**  
**Queanbeyan City Council**  
**(by delegation from the Minister for Roads)**

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**Schedule**

1. Citation

This Notice may be cited as the Queanbeyan City Council B-Doubles Notice No 2/2002

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2006 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

**B-Double routes within the Queanbeyan City Council**

<b>Type</b>	<b>Rd No</b>	<b>Road Name</b>	<b>Starting point</b>	<b>Finishing point</b>	<b>Conditions</b>
25	000	Henderson Rd, Queanbeyan	Crawford St	McEwan Ave	

**ROADS AND TRAFFIC AUTHORITY  
ROAD SAFETY & ROAD USER MANAGEMENT  
REGISTRATION POLICY & PROJECTS**

File No: 2M4139

**SUBJECT**

Regional theme plates – Gazettal of charges

**SUMMARY OF KEY ISSUES**

To ensure that the charges for Regional theme number plates are approved in a Gazette Notice, prior to their release.

**RECOMMENDATION**

That the attached draft Gazette Notice be approved.

<b>Author</b>	<b>Telephone</b>	<b>Date</b>
Don McPherson Unit Manager Policy Registration Policy & Projects	9218 6827	18 November 2002

1. **Manager, Registration Policy & Projects**
2. **A/General Manager, Driver & Vehicle Strategy**
3. **Director, Road Safety & Road User Management**
4. **Chief Executive**

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**ROADS AND TRAFFIC AUTHORITY  
ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1997  
Notice Fixing Fees**

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to section 8 (1) (k) of the Road Transport (Vehicle Registration) Act 1997 and clause 79 of the Road Transport (Vehicle Registration) Regulation 1998, make the Notice set forth hereunder.

This Notice takes effect on 2 December 2002.

Paul Forward  
Chief Executive  
Roads and Traffic Authority

**Amendments**

The Notice Fixing Fees published in Government Gazette No. 106 of 28 June 2002 at pages 4970 to 4972 is amended by inserting the following services and fees in the Schedule to that Notice

<b>Column 1</b>	<b>Column 2 - \$</b>
27. General Issue Regional Theme Plates	\$150
28. Remade Regional Theme Plates	\$90
29. Personal Regional Theme Plates	\$186

## Other Notices

### ABORIGINAL LAND RIGHTS ACT 1983

#### NOTIFICATION OF THE CONSTITUTION OF A LOCAL ABORIGINAL LAND COUNCIL AREA

PURSUANT to the power vested in me by Section 49 (1) of the Aboriginal Land Rights Act 1983, I hereby constitute the area described in text below as the Warren Macquarie Local Aboriginal Land Council Area.

The Hon. ANDREW REFESHAUGE, M.P.,  
Minister for Aboriginal Affairs

#### WARREN MACQUARIE LOCAL ABORIGINAL LAND COUNCIL AREA

Commencing at the junction of the generally northwestern boundary of the Parish of Bundemar, County of Ewenmar with Ewenmar Creek: and bounded thence by that creek downwards to the generally eastern boundary of the Parish of Wambianna; by that boundary generally southerly to Macquarie River; by that river downwards to the generally north-western boundary of the County of Narromine; by that boundary generally southwesterly to Bogan River; by that river downwards to the generally northwestern boundary of the Parish of Cajildry, County of Oxley; by that boundary generally northeasterly, the northern boundary of that parish easterly, part of the generally western boundary of the Parish of Cremorne northerly, part of the generally southern, the generally southeastern and the north-easternmost generally northeastern boundaries of the Parish of Rutledge generally easterly, generally northeasterly and generally northwesterly and the generally northwestern boundaries of the Parishes of Trowan and Woolartha generally northeasterly to Beleringar Creek; by that creek and Gunningbar Creek downwards to the generally southern boundary of the County of Gregory; by part of that boundary generally easterly to Marthaguy Creek; by that creek downwards to the generally southern boundary of the Parish of Gradgerie; by that boundary generally easterly to the Bealbah Bullagreen Road; by that road generally easterly to the generally southern boundary of the Parish of Wingebar; by part of that boundary generally easterly and the generally western boundary of the Parish of Mellerstain generally southerly, the generally south-eastern boundary of the County of Gregory generally north-easterly, the north-eastern and part of the generally eastern boundaries of the Parish of Bullagreen County of Ewenmar southeasterly and generally southerly, the generally northern boundary of the Parish of Merrigal and the northern, the generally eastern and the generally southern boundaries of the Parish of Connibong generally easterly, generally southerly and generally westerly, part of the generally eastern and part of the generally southern boundaries of the Parish of Coradgerie generally southerly and generally westerly, the generally western and part of the generally southern boundaries of the Parish of Collie generally southerly and generally easterly, part of the generally western boundary of the Parish of Bundijoe southerly and the generally north-western boundary of the Parish of Bundemar, aforesaid, generally southwesterly to the point of commencement.

### ANTI-DISCRIMINATION ACT 1977

#### EXEMPTION ORDER

UNDER the provisions of Section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 25, 49ZYN, 33 and 51 of the Anti-Discrimination Act 1977 to Dympna House to provide services to females of all ages and male children aged twelve and under, and to designate and recruit for women only.

This exemption will remain in force for a period of ten years from the date given.

Dated this 25th day of November 2002.

BOB DEBUS, M.P.,  
Attorney General

### ART GALLERY OF NEW SOUTH WALES ACT 1980

#### Deaccessioning of items from the collection of the Art Gallery of New South Wales

HER Excellency the Governor, with the advice of the Executive Council has approved, pursuant to Section 10 of the Art Gallery of New South Wales Act 1980, the deaccessioning of 360 works from the Lord McAlpine Collection. The works have been deemed not relevant to the Galleries collection and proceeds will be directed to new acquisitions, in accordance with the wishes of the donor.

BOB DEBUS, M.P.,  
Minister Assisting the Premier on the Arts

### CONTAMINATED LAND MANAGEMENT ACT 1997

#### Section 15

#### Declaration of Investigation Area

#### Declaration Number 15014#3349

THE Environment Protection Authority ("EPA") declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

#### 1. Land to which this declaration applies (the "investigation area")

Those parts of the land known as:

Description	Address
Lot R in DP 391531	684-684A Pacific Highway, Killara NSW 2071
Strata Plan 4653	690 Pacific Highway, Killara NSW 2071
Strata Plan 4064	692 Pacific Highway, Killara NSW 2071
Lot 3 in DP 90485	696 Pacific Highway, Killara NSW 2071
Pacific Highway Easement	The entire width of the Pacific Highway easement located adjacent to 684 to 696 Pacific Highway, Killara NSW 2071

A map has been prepared entitled "Boundary of Investigation Area 15014" (27 November 2002) which shows the location of the investigation area. A copy of the map may be inspected at the EPA at Level 15, 59-61 Goulburn St, Sydney.

## 2. Nature of the substances causing the contamination ('the contaminants')

Petroleum hydrocarbons (TPH) and monoaromatic hydrocarbons including benzene, toluene, ethyl benzene and xylenes (BTEX) in soils and groundwater.

## 3. Reasons for the declaration

The EPA has reasonable grounds to believe that the investigation area is contaminated with the contaminants in such a way as to present a significant risk of harm, for the following reasons:

- The operation of a service station at 692B to 694 Pacific Highway, Killara NSW (the "service station site") for approximately 40 years prior to its decommissioning in 1999;
- The presence of elevated concentrations of the contaminants, some of which are carcinogenic, at the boundary of the service station site;
- The potential for off-site migration of the contaminants to the investigation area, as the source of the contamination is located towards the top of a ridge with a relatively steep topographical gradient; and
- There are human exposure pathways to the contaminants in the soil and groundwater, as the service station site and investigation area are used for residential and commercial purposes.

## 4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the area and any person may submit a voluntary investigation proposal for the area to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree to the proposal and not issue an investigation order.

## 5. Submissions invited

The EPA advises that the public may make written submissions to the EPA on:

- Whether it should issue an investigation order in relation to the area, and/or
- Any other matter concerning the area.

Submissions should be sent in writing to:

Director Contaminated Sites  
NSW EPA  
PO Box A290  
SYDNEY SOUTH 1232

or faxed to (02) 9995 5930

by no later than 20 December 2002.

CAROLYN STRANGE,  
A/Director Contaminated Sites  
(by delegation)

Date: 27 November 2002.

## NOTE:

### Investigation order may follow

If investigation of the area or part of the area is required, the EPA may issue an investigation order under s.17 of the Act.

### Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm. (s.44 of the Act).

### Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

### Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a declaration area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is removed.

### Voluntary investigation

The making of this declaration does not prevent the carrying out of a voluntary investigation of the investigation area by any person.

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## CO-OPERATIVES ACT 1992

### CHANGE OF NAME

IT is hereby notified that on 21 November 2002, I registered a change of name for The Greater Newcastle Co-operative Building and Hunter River Starr-Bowkett Societies Assoc Ltd to Greater Co-operative Association Ltd.

Dated this twenty-first day of November 2002.

E FLETCHER,  
Delegate Of The Registrar Of Co-operative  
Housing Societies And Starr-Bowkett's

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## DISTRICT COURT ACT 1973

### DISTRICT COURT RULES 1973 - DIRECTION

BY this direction made under Part 51A rule 1(2) of the District Court Rules 1973, I specify Maitland to be a prescribed place for the purpose of section 63A of the District Court Act 1973, for the week commencing 17 February 2003, in lieu of the week commencing 24 February 2003.

Dated this 25th day of November 2002.

R.O. BLANCH,  
Chief Judge

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of Section 8 of the Geographical Names Act 1966, the Geographical Names Board proposes to assign the name:

“Wianamatta” as an indigenous dual name for a watercourse rising about 4 km NE of Narellan and 7 km west of Minto which flows generally north for about 70 km until its confluence with the Hawkesbury River, near Windsor and which is already named and known as “South Creek”. Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

Any person wishing to make comment on this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board with that comment.

The position and extents for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board’s Web Site at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, BATHURST NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

THE Geographical Names Board of New South Wales hereby notifies that “As of this date, any name that has been previously assigned with the designation of Canal or Drain is now replaced with a designation of Channel.

This information can be accessed through the Boards Web Site at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairman

Geographical Names Board  
P O Box 143, Bathurst 2795

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the names ‘Vaucluse High School’ and ‘Dover Heights High School’, these two names have been replaced with the assignment of the name ‘Rose Bay Secondary College’.

WARWICK WATKINS,  
Chairperson.

Geographical Names Board  
PO Box 143, Bathurst NSW 2795

**LOCAL GOVERNMENT ACT 1993****PROCLAMATION**

Marie Bashir, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of sections 218B and 218C of the Local Government Act 1993, do, by this my Proclamation:

- (a) declare that, on and from 13 February 2003, the land described in Schedule A hereto is taken from the Area of Woollahra, as last described in Schedule 8 of the Local Government (City of Sydney Boundaries) Act 1967, commenced by Proclamation in Government Gazette No. 78 of 26 June 1968, and continued as an area and taken to be constituted under the Local Government Act 1993 by clause 21 of Schedule 7 to that Act, and transferred to the Area of Waverley, as last described by Proclamation in *Government Gazette* No. 98 of 6 October 1944 and continued as an area and taken to be constituted under the Local Government Act 1993 by clause 21 of Schedule 7 to that Act; and
- (b) declare that, on and from 13 February 2003, the resulting boundaries of the Area of Woollahra (after taking therefrom the land described in Schedule A hereto) shall be as described in Schedule B hereto, and
- (c) declare that, on and from 13 February 2003, the resulting boundaries of the Area of Waverley (after adding thereto the land described in Schedule A hereto) shall be as described in Schedule C hereto, and
- (d) declare that the provisions set out in Schedule D to this Proclamation are provisions as are necessary or convenient for the giving effect to this Proclamation within the meaning of sections 213 and 218C of the Local Government Act 1993 and are to apply, on and from 27 November 2002, to and in respect of the transfer effected by this Proclamation.

Signed and sealed at Sydney, this 27th day of November 2002.

By Her Excellency’s Command,

HARRY FRANCIS WOODS, M.P.,  
Minister for Local Government

GOD SAVE THE QUEEN!

**Schedule A**

Land transferred from Area of Woollahra to Area of Waverley

Area about .14 square kilometres. Commencing at the junction of Oxford Street and York Road: and bounded thence by Oxford Street north-westerly to a point south of the westmost point of Lot 5, DP 261678; by a line northerly to that point; by the north-western boundary of Lot 5, DP 261678 north-easterly, a line north-easterly across Osmond Lane, the north-western and northern boundaries of Lot 6, DP 261678 north-easterly and easterly, a line easterly across Nelson Street, the generally northern boundary of Lot 7, DP 261678 generally easterly, a line south-easterly across Wallis Lane, the north-eastern boundary of Lot 8, DP 261678 south-easterly, a line south-easterly across Leswell Street, the north-eastern boundary of Lot 9, DP 261678 south-easterly,

a line south-easterly across Vernon Street, the generally north-western boundary of Lot 1, DP 262916 generally south-easterly, a line south-easterly across Newland Street, the north-eastern and part of the eastern boundaries of Lot 2, DP 262916 south-easterly and southerly, the generally northern boundary of Lot 1, DP 262917 generally easterly, a line south-easterly across Grosvenor Street, the generally north-western boundary of Lot 2, DP 262917 generally north-easterly, a line north-easterly across Junction Street, part of the generally north-western boundary of Lot 1, DP 624085, the north-western boundary of Lot 1, DP 612521, again the generally north-western boundary of Lot 1, DP 624085 generally north-easterly, a line north-easterly across Adelaide Street, the north-western, north-eastern and part of the south-eastern boundaries of Lot 5, DP 262918, north-easterly, south-easterly and south-westerly, the generally north-eastern boundaries of Lots 11 and 12, DP 262918 generally south-easterly, a line south-easterly, the generally north-eastern boundaries of Lots 13, 14 and 15, DP 262918 generally south-easterly, a line south-easterly to Old South Head Road; and by that road and Oxford Street generally westerly to the point of commencement.

#### Schedule B

##### Area of Woollahra (as altered)

Area about 12.05 square kilometres. Commencing at the mouth of the Rushcutters Bay Stormwater Channel and the low water mark of the generally southern shore of Port Jackson: and bounded thence by that stormwater channel upward to New South Head Road; by that road easterly, Nield Avenue south-westerly, Boundary Street generally south-westerly, Oxford Street generally easterly to a point south of the westmost point of Lot 5, DP 261678; by a line northerly to that point; by the north-western boundary of Lot 5, DP 261678 north-easterly, a line north-easterly across Osmond Lane, the north-western and northern boundaries of Lot 6, DP 261678 north-easterly and easterly, a line easterly across Nelson Street, the generally northern boundary of Lot 7, DP 261678 generally easterly, a line south-easterly across Wallis Lane, the north-eastern boundary of Lot 8, DP 261678 south-easterly, a line south-easterly across Leswell Street, the north-eastern boundary of Lot 9, DP 261678 south-easterly, a line south-easterly across Vernon Street, the generally north-western boundary of Lot 1, DP 262916 generally south-east, a line south-easterly across Newland Street, the north-eastern and part of the eastern boundaries of Lot 2, DP 262916 south-easterly and southerly, the generally northern boundary of Lot 1, DP 262917 generally easterly, a line south-easterly across Grosvenor Street, the generally north-western boundary of Lot 2, DP 262917 generally north-western boundary of Lot 2, DP 262917 generally north-easterly, a line north-easterly across Junction Street, part of the generally north-western boundary of Lot 1, DP 624085, the north-western boundary of Lot 1, DP 612521, again the generally north-western boundary of Lot 1, DP 624085 generally north-easterly, a line north-easterly across Adelaide Street, the north-western, north-eastern and part of the south-eastern boundaries of Lot 5, DP 262918, north-easterly, south-easterly and south-westerly, the generally north-eastern boundaries of Lots 11 and 12, DP 262918 generally south-easterly, a line south-easterly, the generally north-eastern boundaries of Lots 13, 14 and 15, DP 262918 generally south-easterly, a line south-easterly to Old South Head Road; and

by that road generally north-easterly to the western prolongation of the southern boundary Christison Park; by that prolongation, boundary and its prolongation, easterly to the low water mark of the shore of South Pacific Ocean; by that low water mark (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outmost headlands at the entrance of any such river, creek or inlet of the sea) generally northerly and the low water mark of the generally south-eastern shore of Port Jackson generally south-westerly to the north-eastern boundary of Lot 1, DP 581551; by part of that boundary, the north-western part of the south-western boundaries of that DP north-westerly, south-westerly and south-easterly to the low water mark of the generally south-eastern shore of Port Jackson, aforesaid and by that low water mark and the low water mark of the generally southern shore of Port Jackson aforesaid generally south-westerly and westerly to the point of commencement.

#### Schedule C

##### Area of Waverley (as altered)

Area about 9.13 square kilometres. Commencing at the intersection of the eastern prolongation of the northern side of Boundary Street East, Clovelly and the low water mark of the shore of South Pacific Ocean; and bounded thence by that side of that street westerly, the eastern side of St Thomas Street northerly, the eastern prolongation of the northern side of Boundary Street and that side of that street westerly, the eastern side of Arden Street northerly, the eastern prolongation of the generally northern side of Varna Street northerly, the eastern prolongation of the generally northern side of Varna Street and that side of that street generally westerly, the north-eastern side of Fern Street north-westerly, the eastern side of Albion Street northerly, the eastern prolongation of the northern side of Pine Street and that side of that street westerly, the eastern side of Carrington Road northerly, the eastern prolongation of the generally northern side of Darley Street and that side of that street generally westerly to the southern prolongation of the western boundary of Lot 2, DP 701512; by that prolongation northerly to the generally south-western side of York Road; by that side of that road and the western side of that road and its prolongation generally north-westerly and northerly, Oxford Street north-westerly to a point south of the westmost point of Lot 5, DP 261678; by a line northerly to that point; by the north-western boundary of Lot 5, DP 261678 north-easterly, a line north-easterly across Osmond Lane, the north-western and northern boundaries of Lot 6, DP 261678 north-easterly and easterly, a line easterly across Nelson Street, the generally northern boundary of Lot 7, DP 261678 generally easterly, a line south-easterly across Wallis Lane, the north-eastern boundary of Lot 8, DP 261678 south-easterly, a line south-easterly across Leswell Street, the north-eastern boundary of Lot 9, DP 261678 south-easterly, a line south-easterly across Vernon Street, the generally north-western boundary of Lot 1, DP 262916 generally south-east, a line south-easterly across Newland Street, the north-eastern and part of the eastern boundaries of Lot 2, DP 262916 south-easterly and southerly, the generally northern boundary of Lot 1, DP 262917 generally easterly, a line south-easterly across Grosvenor Street, the generally north-western boundary of Lot 2, DP 262917 generally north-easterly, a line north-easterly across Junction Street, part of the generally north-western boundary of Lot 1, DP 624085,

the north-western boundary of Lot 1, DP 612521, again the generally north-western boundary of Lot 1, DP 624085 generally north-easterly, a line north-easterly across Adelaide Street, the north-western, north-eastern and part of the south-eastern boundaries of Lot 5, DP 262918, north-easterly, south-eastern boundaries of Lots 11 and 12, DP 262918 generally south-easterly, a line south-easterly, the generally north-eastern boundaries of Lots 13, 14 and 15, DP 262918 generally south-easterly, a line south-easterly to Old South Head Road; and by that road generally north-easterly to the western prolongation of the southern boundary of Christenson Park; by that prolongation, boundary and its prolongation easterly to the low water mark of the shore of South Pacific Ocean, aforesaid by that low watermark (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost headlands at the entrance of any such river, creek or inlet of the sea) generally southerly to the point of commencement.

#### Schedule D

Provisions as are necessary or convenient for giving effect to this Proclamation as set out in sections 213 and 218C of the Local Government Act 1993.

#### 1 Definitions

In this Schedule:

**Area** has the same meaning as in the Local Government Act 1993.

**affected Areas** means the Area of Woollahra and the Area of Waverley.

**affected Councils** means the Woollahra Municipal Council and the Waverley Council.

**clause** means a clause in this Schedule.

**destination Area** means the Area of Waverley.

**destination Council** means the Waverley Council.

**Director General** means the Director General of the Department of Local Government.

**Minister** means the Minister for Local Government.

**Proclamation** means this Proclamation.

**source Area** means the Area of Woollahra.

**source Council** means the Woollahra Municipal Council.

**the Act** means the Local Government Act 1993.

**transfer area** means the land included in Schedule A of this Proclamation.

**transfer date** means 13 February 2003.

**transitional period** means the period from 27 November 2002 to 13 February 2003.

#### 2 Transfer of assets, rights and liabilities

(1) By one or more subsequent determinations by the Minister, the transfer of assets, rights and liabilities will be made to give effect to the boundary alteration made in this Proclamation.

- (2) (a) Commencing from the date of this Proclamation, the source Council and the destination Council shall negotiate the transfer of assets, rights and liabilities to give effect to the boundary alteration made herein.
- (b) The affected Councils are to advise the Minister of the transfer arrangements no less than three weeks prior to the end of the transitional period. Without in any way limiting the power conferred on him by clause 7 of these transitional arrangements the Minister may then (but need not) make a determination under clause 7.
- (c) Any matter or thing in relation to the transfer of assets, rights and liabilities that is not able to be determined by agreement between the affected Councils under subsection (b) hereof shall be determined by the Minister in accordance with clause 7 herein.
- (3) The relevant date upon which basis the determination of the transfer of assets, rights and liabilities shall be made is 14 November 2001, being the day before the document entitled Principles on Transfer of Staff, Assets and Liabilities was issued to the affected Councils.
- (4) During the transitional period no arrangements, without agreement between the relevant affected Councils and the Minister, are to be entered into in relation to:
- (a) the sale or purchase of property or of any assets involving an amount exceeding \$20,000;
- (b) the leasing of property for a period exceeding five years;
- (c) entry into new contracts for works involving an amount exceeding \$100,000;
- (d) varying any budget allocation for any function; and
- (e) negotiating or entering into any new enterprise agreement, altering salaries, conditions of employment or other entitlements for staff that would effectively only apply to the transfer area.
- (5) Any arrangement entered into by the affected Councils after 14 November 2001, without agreement between the relevant affected Councils and the Minister, in relation to:
- a) the sale or purchase of property or of any assets involving an amount exceeding \$20,000;
- b) the leasing of property for a period exceeding five years;
- c) entry into new contracts for works involving an amount exceeding \$100,000;
- d) varying any budget allocation for any function; and



- e) negotiating or entering into any new enterprise agreement, altering salaries, conditions of employment or other entitlements for staff that would effectively only apply to the transfer area

will be taken into consideration in any determination of the transfer of assets, rights and liabilities under this Proclamation.

- (6) In this clause:

**Assets** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, streams of income, choses in action and documents.

**Liabilities** means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

**Rights** means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

### 3 General provisions with respect to the determination of transfers of assets, rights and liabilities

In relation to one or more determinations made in pursuance of clause (2) herein:

- (1) Unless otherwise provided, a transfer effected by such a determination takes effect at midnight on the transfer date.
- (2) The Minister may, by notice in writing, confirm a transfer effected by such a determination.
- (3) A notice under subclause (2) is conclusive evidence of the transfer.
- (4) The operation of such a determination is not to be regarded:
  - (a) as an event of default under any contract or other instrument; or
  - (b) as a breach of contract or confidence or otherwise as a civil wrong; or
  - (c) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets; or
  - (d) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset.
- (5) No attornment to the destination Council by a lessee from the source Council is required in relation to a transfer.
- (6) No compensation is payable to any person or body in connection with a transfer, except as may be determined by the Minister in accordance with clause 7 herein.
- (7) Subclause (6) does not affect the rights or any person or body in connection with the early termination of a contract between the source Council and that person or body.

### 4 Provision of services and facilities in the transfer area during the transitional period

- (1) Subject to subclause (2), the services and facilities provided by the source Council to residents and ratepayers in the transfer area immediately before 15 November 2001 are to continue to be provided by the source Council from the funds and resources of the source Council during the transitional period, at the same level and in the same manner as was provided by that Council prior to 15 November 2001.
- (2) Any variation to the services and facilities provided to residents and ratepayers in the transfer area may only occur by agreement between the source Council, the destination Council and the Minister.
- (3) Without limiting the operation of subclause (1), the services and facilities to be provided in the transfer area by the source Council in the transitional period include:
  - (a) street cleansing;
  - (b) domestic waste collection;
  - (c) roads and footway management and maintenance;
  - (d) maintenance and management of parks and the public domain;
  - (e) all community services (including the operation of community, recreation and aged care centres, programs for the homeless, libraries, child care centres and swimming pools);
  - (f) contract management in respect of all works in the transfer area;
  - (g) property management and maintenance;
  - (h) the processing and determination of all development applications lodged before the transfer date, except those to which clause 5 applies;
  - (i) issuing all certificates (including certificates issued under the Environmental Planning and Assessment Act 1979);
  - (j) building compliance inspections; and
  - (k) the provision of all goods and services necessary or ancillary to the provision of the above.

### 5 Activities of affected Councils

In relation to the transfer area:

- (1) Any development application that was received but not determined by the source Council before the transfer date, and that involves development having a value of \$1 million or more, must be determined by the destination Council.
- (2) Subject to subclause (4), any development application that was received but not determined by the source Council before the transfer date, and that involves development having a value of less than \$1 million, may be determined by the destination Council, or the source Council if the destination Council agrees.

- (3) All development applications lodged on or after the transfer date shall be determined by the destination Council.
- (4) Without limiting subclause (1), anything that was commenced by the source Council and uncompleted at the transfer date may be completed by the destination Council as if it had been commenced by the destination Council.
- (5) In so doing, the destination Council must make any determinations required to be made in accordance with any relevant code, policy or plan of the source Council, until such time as the destination Council makes a new code, policy or plan in relation to that matter in accordance with the Act or any other Act.
- (6) Anything that was done by the source Council, and that had effect immediately before the transfer date, or that was commenced by the source Council and completed by the destination Council as a result of this Proclamation, continues to have effect and may be enforced by the destination Council as if it had been done by the destination Council.
- (7) Without limiting subclause (5), any approval, order or notice that was given or made by the source Council, and that had effect immediately before the transfer date, continues to have effect and for all the purposes of the Act or any other Act shall be deemed to have been given or made by the destination Council.
- (8) Any decision of the Land and Environment Court in an appeal from a decision of the source Council determined by the Court after the transfer date shall be deemed to be a decision of the destination Council.

#### **6 Data and information held by source Council**

In relation to the transfer area:

- (1) On and from the date of this Proclamation, any data and information held by the affected Councils concerning the carrying out of any of Council's functions or its work or activities, or that is being considered as part of the transitional arrangements for the transfer of staff, assets, rights and liabilities, must be provided to the other affected Council.
- (2) The affected Councils must also provide to the Minister or Director General such data and information as the Minister or Director General may authorise or require.
- (3) Without limiting subclause (1), but subject to clause 4(3)(h), any applications referred to in clauses 5(1) and 5(2), or received in relation to the transfer area but not determined by the source Council by the transfer date, shall be provided to the destination Council so that the destination Council can determine those applications, and undertake any work associated with such applications.
- (4) Wherever information is required by the source Council to provide services and facilities during the transitional period, the source Council must provide copies of documents or other information to the destination Council to satisfy subclauses (1) and (2).

#### **7 Matters to be determined by Minister**

- (1) In order to give effect to this Proclamation, the Minister may determine from time to time any matter or thing.
- (2) In pursuance of this clause, any matter or thing requiring determination may be referred to the Minister by either of the affected Councils.
- (3) The Minister may also determine any matter or thing that has not been referred to him by either of the affected Councils if the Minister concludes that the matter or thing cannot be determined by agreement between the affected Councils, or if the Minister is not satisfied with any agreement reached between the affected Councils, including in relation to clauses 2 and 4 herein.
- (4) A matter to be determined by the Minister shall be referred to the Director General, and/or another person or persons nominated by the Minister, for advice and recommendations, as appropriate.
- (5) The Director General and/or another person or persons nominated by the Minister, shall, if requested by the Minister, convene a meeting between the affected Councils to assist in the determination of the matter.
- (6) The Director General and/or any person or persons nominated by the Minister under this clause, shall have regard to the Statement of Intent herein and any other principles or guidelines considered appropriate in the circumstances.

#### **8 Wards**

- (1) The provisions of section 211(4) of the Act do not apply to the ward boundary alterations effected by this Proclamation.
- (2) The ward of the Area of Woollahra that is affected by the boundary alteration made in this Proclamation, after taking therefrom the land described in Schedule A hereto, remains as a ward of the Area of Woollahra, and the boundaries of the ward are hereby altered so that the ward boundary prolongs along the boundary of the Area of Woollahra as described in Schedule B hereto.
- (3) The ward of the Area of Waverley that is affected by the boundary alteration made in this Proclamation, after adding thereto the land described in Schedule A hereto, remains as a ward of the Area of Waverley, and the boundaries of the ward are hereby altered so that the ward boundary prolongs along the boundary of the Area of Waverley as described in Schedule C hereto.
- (4) The ward boundaries of the affected Councils must be reviewed and, if necessary, new ward boundaries must be made in accordance with subsections 211(3) and 211(4) of the Act by the affected Councils so that the new ward boundaries shall apply for the next ordinary election of those Councils.

**9 By-elections**

Despite section 292 of the Act, a by-election must not be held if a casual vacancy occurs in the office of Councillor of the source Council in a ward from which land has been transferred in Schedules A prior to the next ordinary election, unless the number of Councillors remaining in that ward is less than two.

**10 Making of determinations as to transfer of assets, rights and liabilities**

- (1) The matters in subclause (2) have regard to the document Principles of Transfer of Staff and Liabilities referred to in clause 2(3).
- (2) In making determinations as to the transfer of assets, rights and liabilities under this Proclamation the Minister may, but does not have to, take into account the following matters:
  - a. Identification of relevant assets and liabilities should be achieved by negotiation by the councils.
  - b. The process for identification of staff members who may be transferred should also include participation by staff of the councils who may be subject to or directly affected by the boundary change.
  - c. Identification of relevant assets, liabilities and staff should be based on arrangements that existed as of the date of the referral of the boundary changes to the Boundaries Commission. This is to minimise asset stripping.
  - d. During the transitional period no arrangements, without agreement of the councils or Minister, should be entered into in relation to:
    - i. The sale or purchase of property or of any assets exceeding \$20,000;
    - ii. The leasing of property for a period exceeding five years;
    - iii. The entry into new contracts for works exceeding \$100,000;
    - iv. The varying any budget allocation for any function; and
    - v. Negotiations or entries into any new enterprise agreement or alteration of salaries or other entitlements for staff that would effectively only apply to the transferred area.

**Assets and liabilities**

- e. Fixed assets in the affected area are expected to be transferred as are associated borrowings. Liability for borrowings for general capital works within the council area are to be transferred pro rata according to expenditure sourced from loans.
- f. Other assets used directly within the area, for example trucks and equipment, should be divided in proportion to use in the affected area.

- g. Other current liabilities should be divided in a similar manner.
- h. Where a facility such as a depot or facility is contained within the transferred area, arrangements will need to be agreed between the councils as to use or sharing of the facilities.
- i. Provisions and reserves (such as depreciation reserves, developer contributions reserves) will need to be apportioned. In respect of non-current assets, the written down value of the asset will be transferred and consequential changes will be made in the depreciation reserves for the transferred assets. Developer contributions in respect of the affected area will need to be transferred along with matching asset value for unexpended portions of the contribution reserve.
- j. Appropriate copies of records, such as asset registers and loan records, will need to be prepared in association with the transfer of balance sheet items.

**Staffing**

- k. The affected Councils should identify any staff directly affected by the transfer of the transfer area.
- l. The affected Councils should identify any staff whose employment involves a significant proportion of their activity in the affected area such as those in waste collection, building management and environmental health.
- m. Once the staff referred to in subclauses (2)(l) and (m) have been identified, appropriate transfer of balance sheet items are required such as provision for entitlements and matching assets.
- n. The transfer of the transfer area should not have any adverse impact on transferred staff. That is, forced redundancy or loss of award rights, contributions or entitlements should not occur as a result of the transfer of the transfer area within 3 years of the transfer.

**11 Statement of Intent**

Nothing in this Proclamation is to be construed as affecting the continuation in office of councillors of the affected Councils.

**NATIONAL PARKS AND WILDLIFE SERVICE**

Draft Fire Management Plan for Ku-ring-gai Chase National Park and Garigal National Park

**PUBLIC EXHIBITION****Background & Process**

THE National Parks and Wildlife Service has spent a number of years developing a Draft Fire Management Plan for Ku-ring-gai Chase National park and Garigal National Park.

The Draft Fire Management Plan has been designed to assist in the control of wildfires and to establish a schedule for hazard reductions in both parks. The process has involved the study of historic fire records, a scientific and vegetation study of the Parks and initial public consultation meetings. The Draft Fire Management Plan is consistent with the guidelines established by the Local Bushfire Management Committees Risk Management Plans for their Fire District

The Draft Fire Management plan will be exhibited for approximately 3 months, and the submissions will be evaluated and where feasible, incorporated into the adopted Fire Management Plan.

#### How do you find out about the proposal?

The Draft Fire Management Plan will be on public display at the following locations during the hours specified from 2nd December 2002 until 28th February 2003.

National Parks and Wildlife Service  
Kalkari Visitor Centre  
Ku-ring-gai Chase Road  
Ku-ring-gai Chase National Park  
(via Mt Colah or North Turramurra)  
9.00am – 5.00pm every day

National Parks and Wildlife Service  
Northern Beaches Area Office  
End Ferguson Street  
FORESTVILLE  
9.00am – 4.00pm Monday to Friday

National Parks and Wildlife Service  
Library, Level 7, 43 Bridge Street  
HURSTVILLE  
9.30 – 4.30 Monday and Tuesday  
9.30 – 4.30 Thursday and Friday

National Parks and Wildlife Service  
Sydney North Regional Office  
Ku-ring-gai Chase Road  
Ku-ring-gai Chase National Park  
8:30am to 4:00pm Monday to Friday

Warringah / Pittwater District Rural Fire Service  
Fire Control Centre  
Thompson Lane off Kambar Road  
TERREY HILLS  
9.30am – 4.00pm Monday to Friday

Hornsby / Ku-ring-gai District Rural Fire Service  
Fire Control Centre  
143 Galston Road  
HORNSBY HEIGHTS  
9.30am – 4.00pm Monday to Friday

Copies of the Draft Fire Management Plan can also be viewed on the NPWS web site [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au)

#### How do you make a submission?

Anyone can make a submission. Persons or organisations wishing to comment on the activity are invited to make a written submission by 28th February 2003. Submissions should be addressed to:

**Project Co-ordinator**  
**Ku-ring-gai Chase and Garigal National Parks**  
**Draft Fire Management Plan**  
**NPWS**  
**Sydney North Region**  
**PO Box 3056**  
**ASQUITH NSW 2077**  
**(fax: 02 9457 8265).**

Your comments on the activity may contain information that is defined as “personal information” under the NSW *Privacy and Personal Information Protection Act 1998* and which identifies you. Following a final decision on the Fire Management Plan, copies of all submissions will be available for inspection at the NPWS Head Office at 43 Bridge Street, Hurstville 2220 (ph: 02 9585 6444). If you do not want your personal details to become public please mark on your submission that you want your details to remain “confidential”.

The submissions will ultimately be stored in the NPWS records system.

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#### NATIONAL PARKS AND WILDLIFE ACT 1974

##### Coorabakh National Park Plan of Management

A plan of management for the above park has been prepared and may be viewed during office hours at:

- NPWS Manning Area Office, 78 Hargreaves Street, TAREE
- Manning Valley Visitor Information Centre, Manning River Drive, TAREE NORTH
- NPWS Mid North Coast Region Office, 152 Horton Street, PORT MACQUARIE
- The National Parks Centre, 102 George Street, THE ROCKS
- NPWS Head Office Library, Level 7, 43 Bridge Street, HURSTVILLE

Copies of the plan may be obtained free of charge from the above NPWS offices and the National Parks Centre. The plan is also available on the NPWS website at [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).

Written submissions on the plan should be received by 10 March 2003 by the Planning Officer, NPWS, PO Box 61, Port Macquarie, NSW 2444.

Your comments on the plan may contain information that is defined as “personal information” under the NSW *Privacy and Personal Information Protection Act 1998* and identifies you. If you do not want your personal details to become public, please mark your submission “confidential”.

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#### NATIONAL PARKS AND WILDLIFE ACT 1974

##### Towarri National Park, Wingen Maid Nature Reserve and Cedar Brush Nature Reserve Plan of Management

A plan of management for the above park and reserves has been prepared and may be viewed during office hours at:

- NPWS Upper Hunter Area Office, 137 Kelly Street, SCONE
- Scone Shire Council, 47 Mayne Street, SCONE
- Murrurundi Shire Council, 47 Mayne Street, MURRURUNDI
- NPWS Head Office Library, Level 7, 43 Bridge Street, HURSTVILLE
- The National Parks Centre, 102 George Street, THE ROCKS

Copies of the plan may be obtained free of charge from the above NPWS offices and the National Parks Centre. The plan is also available on the NPWS website at [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).

Written submissions on the plan should be received by 10 March 2003 by the Regional Manager, NPWS, Locked Mail Bag 99, Nelson Bay, NSW 2315.

Your comments on the plan may contain information that is defined as "personal information" under the NSW *Privacy and Personal Information Protection Act 1998* and identifies you. If you do not want your personal details to become public, please mark your submission "confidential".

#### NATIONAL PARKS AND WILDLIFE ACT 1974

MYALL LAKES NATIONAL PARK, LITTLE  
BROUGHTON ISLAND NATURE RESERVE AND  
STORM PETREL NATURE RESERVE

#### PLAN OF MANAGEMENT

IN pursuance of Sections 75 and 76 of the National Parks and Wildlife Act 1974 it is hereby notified that a Plan of Management for Myall Lakes National Park, Little Broughton Island Nature Reserve and Stormpetrel Nature Reserve was adopted by the Minister for the Environment on 2<sup>nd</sup> October 2002.

Copies of the plan may be purchased at a cost of \$14.00 (incl. GST) from the NPWS Hunter Region office, Level 1, 12 Teramby Road, Nelson Bay (Locked Bag 99, Mail Delivery Centre, Nelson Bay, NSW 2315); the NPWS Great Lakes Area office, Booti Booti National Park, The Lakes Way, Pacific Palms; and The National Parks Centre, 102 George Street, The Rocks, NSW 2655. The plan is also available on the NPWS web site: [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).

BRIAN GILLIGAN,  
Director-General

#### NATIONAL PARKS AND WILDLIFE ACT 1974

#### NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of New South Wales Jervis Bay National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 27th day of November, 2002.

MARIE BASHIR,  
Governor

By Her Excellency's Command

BOB DEBUS, M.P.,  
Minister for the Environment

GOD SAVE THE QUEEN!

#### SCHEDULE

*Land District – Nowra; LGA – Shoalhaven City*

County St Vincent, Parishes Beecroft and Wollumboola, about 643 hectares, being the bed of Wollumboola Lake to high water mark, lot 117 DP821458, the bed of Coonemia Creek south of lot 104 DP875249 and the reservation (30.48 wide) separating lot 7, DP880627 from Wollumboola Lake.: NPWS/01/00248.

#### PESTICIDES ACT 1999

#### Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,  
Manager Dangerous Goods  
Environment Protection Authority  
by delegation

#### SCHEDULE

#### Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr DOMINIC JAMES MAHER "GINDURRA" CUDAL RD CANOWINDRA NSW 2804	26 November 2002

#### PROFESSIONAL STANDARDS ACT 1994

#### NOTIFICATION PURSUANT TO SECTION 13

#### NATIONAL INSTITUTE OF ACCOUNTANTS SCHEME

PURSUANT to section 13 of the Professional Standards Act 1994, I approve the publication of the National Institute of Accountants Scheme. This Scheme will commence two months from the date of its publication.

BOB DEBUS, M.P.,  
Attorney General

#### THE PROFESSIONAL STANDARDS ACT 1994 (NSW)

#### The National Institute of Accountants Scheme

#### Preamble

#### Occupational Associations

THE National Institute of Accountants Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) in respect of The National Institute of Accountants (NIA). The NIA is a national professional association whose details are as follows:

National Institute of Accountants (NIA)  
1st Floor, 371 Flemington Road  
North Melbourne Victoria 3051

The National Institute of Accountants is one of Australia's oldest representative professional bodies. Limited by guarantee, it was incorporated in 1926. Affairs of the NIA are managed through The Board of Directors, who manage and control the Divisions within their policy guidelines. The Board of Directors comprises elected representatives from each Division. Activities are operated on behalf of the Board of Directors under a national committee structure, which deals with all relevant issues to the profession including; education, disciplinary matters, investments, accounting and auditing standards, continuing professional education, public relations, public practice by Divisional or State Councils.

The role of the NIA is to ensure that the needs of members, the profession and the business community are maintained and protected. The framework of the NIA is intended to protect and support these interests, whilst ensuring its members gain appropriate recognition on a professional basis.

The NIA currently has approximately 13,000 members, of which about 5,900 represent New South Wales.

NIA accountants work throughout the business community and many are recognised as specialists in advising small and medium enterprises (SMEs).

The principle objectives of the NIA are as follows:

- (a) to advance and enhance the theory and practice of the profession as a whole
- (b) to underpin professional integrity with established formal procedures ensuring standards of the highest degree
- (c) to continually develop the membership structure for both existing members and new recruits through continuing professional education standards and sound leadership
- (d) to specify significantly high standards of practice and professional conduct for members and to ensure consistent monitoring of such standards
- (e) to provide on-going support through adequate financial resources, thorough administration and effective policies

#### **Nature of the Scheme**

A scheme operates for the purpose of improving the occupational standards of professionals and others and to protect the consumers of their services. It also limits the civil liability of persons to whom the scheme applies.

The liability limited by the scheme includes, to the extent permitted by the Act, all civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the NIA or to any person to whom the scheme applies in acting in the performance of his or her occupation. The scheme does not apply to liability for damages arising from any matter to which the Act does not apply, including, but not limited to, liability for damages arising from death or personal injury to a person, a breach of trust, fraud or dishonesty.

The scheme does not affect damages which are below \$500,000. Where damages are above \$500,000, the scheme limits liability for those damages to an amount that is between \$500,000 and \$20 million. The amount of the limited liability is calculated by multiplying the reasonable charge for the service by 10. This is called the limitation amount. However, the limitation amount cannot be less than \$500,000 or higher than \$20 million. The person has limited liability provided they have insurance which is not less than the limitation amount

#### **Standards of Insurance**

Participating members, as defined in clause 2.2 of the scheme, are required to maintain a current professional indemnity insurance policy that meets the standards specified from time-to-time by the NIA. Participating members are required to take measures to ensure that the

levels of PI insurance they maintain meet the required standards. The amount payable under the insurance policy in respect of occupational liability is to be not less than the amount of the person's limitation of liability. These guidelines are available to all members from the Institutes secretary<sup>6.2</sup>. In addition, participating members are to maintain sufficient assets to cover any deductible amount applicable under the insurance policy.

#### **Claims Monitoring**

The NIA will regularly review and monitor liability claims. An objective of claims monitoring is to identify areas for improvement in order to reduce claims against scheme members. Operation of this particular area will be enforced with the assistance of major indemnity insurance brokers.

#### **Risk Management**

All members of the NIA offering services to the public, are bound by a statement on 'Conduct of Members in Public Practice' as well as the NIA Code of Ethics and must hold a current Public Practice Certificate, which is renewable annually.

The NIA imposes additional responsibilities on members taking up public practice. As an NIA public accountant, a completed Public Practice Orientation Program is required. Relevant knowledge must be maintained and professional indemnity insurance must be held.

The NIA up-holds a comprehensive program for all members outlining minimum standards required, in order to minimise risk.

Membership levels and their minimum requirements include:

**Member (MNIA)** – To advance to the level of Member of the NIA, one must have successfully completed the NIA-Graduate Certificate in Professional Accounting and have at least three years' relevant experience in the workplace. Applicants with an appropriate degree qualification and three years' relevant experience are eligible to join at Member status upon completion of the NIA's Business Ethics unit.

**Fellow (FNIA)** – as a Fellow one must have attained the highest possible level of membership and demonstrated a firm commitment to the principles of the accounting profession. One requires a minimum of ten years' experience, have held Member status for at least seven years as well as having held a senior executive position for the previous five years.

NIA members are required to keep up-to-date on the many aspects of accounting and business today. The Continuing Professional Education Program (CPE) helps to ensure that the professional knowledge of all NIA members is current. Maintaining skills through CPE requires 60 hours per biennium of approved activities for Public Practice Certificate holders and Fellows and 40 hours per biennium for all other members. Approved activities include; seminars, conferences, discussion groups and educational courses. Such courses include the NIA Graduate Accounting Program. Compliance with CPE requirements is audited.

Participating members holding a Public Practice Certificate issued by the NIA must comply with the continuing professional education/continuing professional development requirements of the NIA.

The NIA intends to implement a quality review program. Participating members holding a Public Practice Certificate issued by the NIA must comply with quality assurance programs. Quality Assistance Reviews are designed to assist NIA public practitioners in their day to day operations. The program is specifically designed to assist practitioners improve their work practices to best practice levels. Quality Assistance Reviews involve an independent review of the work and ethical procedures of NIA public practitioners.

### Complaints and Discipline Matters

Members to whom the scheme applies are subject to the complaints and discipline system administered by the NIA under the Articles and By-Laws of the Association. All members of the NIA must comply with the NIA Code of Ethics.

### Scheme Administration

Administration of the scheme will be undertaken by the NIA through a Scheme Management Committee (SMC). The NIA's Scheme Management Committee will also review the issues and decisions of the investigation and disciplinary committees. The purpose of such reviews is to determine trends in the nature of complaints and put in course remedial actions, such as special CPE seminars, to reduce the incidence of future complaints.

Participating members will be required to confirm that they have complied with the requirements of the scheme in such manner as may be determined by the SMC. Breach of the requirements of the scheme by a participating member may be referred by the SMC to the disciplinary committee of the NIA.

A Participating Member to whom the scheme applies and who subsequently ceases public practice or ceases to be a member of the NIA will be protected under the scheme for civil liability arising from their acts, errors and omissions which occurred during the period in which they were a participating member of the scheme, provided they meet the requirements of the scheme in respect of maintaining PI insurance.

### Scheme Duration

The scheme remains in force for a period of 3 years from its commencement unless it is revoked, extended or ceases in accordance with section 32 of the Act.

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## PROFESSIONAL STANDARDS ACT 1994 (NSW)

### The National Institute of Accountants Scheme

#### 1. Occupational Association

- 1.1 The National Institute of Accountants Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) of The National Institute of Accountants, 1<sup>st</sup> Floor, 371 Flemington Road, North Melbourne Victoria 3051

#### 2. Persons to Whom the Scheme Applies

- 2.1 The scheme applies to participating members and other persons as defined in clauses 2.2 and 2.3 of the scheme.
- 2.2 All members of the NIA ordinarily resident in NSW who hold a current Public Practice Certificate issued by the NIA.

- 2.3 A person to whom the scheme applies by virtue of sections 18, 19 and 20 of the Act.

#### 3. Limitation of Liability

- 3.1 Liability is limited in accordance with the provisions of this scheme for damages in respect of a cause of action in relation to occupational liability in excess of \$500,000.

- 3.2 A participating member or other person to whom this scheme applies and against whom a cause of action relating to occupational liability is brought is not liable in damages in relation to that cause of action above a monetary ceiling or limitation amount where the participating member or other person is able to satisfy the court that the participating member or other person has the benefit of an insurance policy insuring the participating member or other person against that occupational liability, and under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the monetary ceiling or limitation amount specified in the scheme in relation to the participating member or other person at the time at which the act or omission giving rise to the cause of action occurred at the time at which the cause of action arose.

- 3.3 The monetary ceiling is \$20 million.

- 3.4 The limitation amount is a reasonable charge for the services provided by the participating member or other person or which the participating member or other person failed to provide and to which the cause of action relates, multiplied by the multiple specified in the scheme in relation to the participating member or other person at the time at which the act or omission giving rise to the cause of action occurred.

- 3.4.1 In determining the amount of a reasonable charge a court is to have regard to any amount actually charged and to:

- (a) the amount that would ordinarily be charged in accordance with a scale of charges accepted by the NIA; or
- (b) if there is no such scale, the amount that a competent person of the same qualifications and experience as the participating member or other person would be likely to charge in the same circumstances.

- 3.4.2 The multiple is 10.

- 3.4.3 This clause does not limit the amount of damages to which the participating member or other person is liable if the amount is less than the amount specified for the purpose in the scheme in relation to the participating member or other person.

- 3.4.4 Where the amount of damages in relation to a single cause of action relating to occupational liability exceeds \$500,000 but the damages which may be awarded as determined by the limitation amount referred to in clause 3.4 are equal to or less than \$500,000, the liability for damages shall be \$500,000.

- 3.5 The damages which may be awarded against the participating member or other person are to be determined in accordance with clause 3.2 and 3.4 but must not exceed the amount of the monetary ceiling specified in clause 3.3 in relation to the participating member or other person.

## REPORT CONCERNING THE APPROVAL OF THE NATIONAL INSTITUTE OF ACCOUNTANTS SCHEME

### SCHEME APPROVAL

ON 22/12/98, an application was received by the Professional Standards Council from the National Institute of Accountants for the approval of a scheme pursuant to the provisions of the Professional Standards Act 1994 (the PSAct).

On 8/9/00, the council decided to:

1. approve<sup>1</sup> a scheme in respect of the National Institute of Accountants; and
2. submit<sup>2</sup> the scheme to the Minister to authorise its publication in the Gazette<sup>3</sup>.

Before approving the scheme, the council:

1. published<sup>4</sup> a notice in a daily newspaper circulating throughout NSW:
  - a) explaining the nature and significance of the scheme and revocation, and
  - b) advising where a copy of the scheme may be obtained or inspected, and
  - c) inviting comments and submissions within 21 days after publication of the notice; and
2. considered<sup>5</sup>:
  - a) all comments and submissions made to it in accordance with section 9,
  - b) the position of persons who may be affected by limiting the occupational liability of members of the occupational associations concerned,
  - c) the nature and level of claims relating to occupational liability made against members of the occupational associations,
  - d) the risk management strategies of the occupational associations,
  - e) the means by which those strategies are intended to be implemented,
  - f) the cost and availability of insurance against occupational liability for members of the occupational associations, and
  - g) the standards determined by the occupational associations in relation to insurance policies.

The council is satisfied that the scheme will assist the improvement of occupational standards, the development of self-regulation and the protection of consumers.

### THE SCHEME

#### Limitation of Liability

The scheme, to the extent provided by the PSAct, limits the occupational liability of certain members of the National

Institute of Accountants (NIA). Liability is limited for all members of the NIA ordinarily resident in NSW who hold a current public practice certificate issued by the NIA.

The scheme specifies a monetary ceiling of \$20 million, and a limitation amount calculated by applying a multiple of 10 to fees for service.

In determining the limitation of liability the council had regard for the number and amounts of claims made against persons within the occupational association and for the need to adequately protect consumers. The council is satisfied that the limitation of liability is reasonable having regard for the nature and level of claims, will adequately protect consumers and not adversely affect other person to a significant degree.

#### Insurance

Members of the NIA to whom the scheme applies are required to have the benefit of insurance of not less than the amount of the limitation of liability applicable to that person. The policy of insurance is to be of the requisite standard determined by the NIA, and members are required to have sufficient assets to cover any uninsured deductible. The insurance standards require that a member has professional indemnity insurance which covers each and every claim, cover the company, directors, partners and employees, and provide for unlimited retroactive cover and run-off cover.

The NIA will monitor claims to identify areas for improvement and report annually on claims monitoring.

The council is satisfied that insurance against occupational liability is reasonably available to members of the NIA, and the standards of insurance determined by the NIA are reasonable, adequately protect consumers and will not adversely affect other persons to a significant degree.

#### Risk Management

The NIA has furnished the council with a detailed list of the risk management strategies it intends to implement in respect of its members, and the means by which those strategies are intended to be implemented<sup>6</sup>. The association has adopted a mix of pre-existing and intended strategies which will be implemented under existing and developing structures. The strategies are outlined in the scheme document.

Members are required to undertake continuing professional development (CPD), and to report their activities to the association. Compliance with CPD requirements is subject to random audit.

The council is satisfied that the risk management strategies and the means by which they are intended to be implemented will facilitate the improvement of occupational standards of members of the NIA, assist in the development of self-regulation of the association, and serve to protect the consumers of the services provided by the members of the association.

#### Complaints and Disciplinary Matters

Persons covered by the scheme will be subject to complaints and discipline procedures under the Articles and By-Laws of the NIA. The procedures feature structures and procedures for receiving and processing complaints, investigating and resolving complaints, and defined



disciplinary sanctions against members. They provide for a right to legal representation, and notice of decisions and the reasons for decisions will be given.

The council is satisfied that the complaints and discipline mechanisms allow for the proper redress of consumer complaints, facilitate the improvement of occupational standards of members of the NIA, and serve to protect the consumers of the services provided by the members of the association.

#### **Commencement and Duration of the scheme**

The scheme is subject to annual monitoring by the council. The scheme will cease to apply to the members of the NIA at the end of 3 years after commencement of the scheme, but may be extended as provided by the PSAct. The Council will review the performance of certain aspects under the scheme at the end of 2 years.

#### **RECOMMENDATION**

The council recommends that the Attorney General authorise the publication in the Government Gazette of the scheme, as submitted.

The approved National Institute of Accountants Scheme is herewith.

#### **SUBMITTED**

#### **Professional Standards Council**

WARWICK WILKINSON AM,  
Chairman

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#### (Footnotes)

<sup>1</sup> pursuant to section 7(3)

<sup>2</sup> pursuant to section 12

<sup>3</sup> pursuant to section 13

<sup>4</sup> pursuant to section 8

<sup>5</sup> pursuant to section 10

<sup>6</sup> pursuant to section 36(1)

#### **THREATENED SPECIES CONSERVATION ACT**

##### Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Invasion of native plant communities by exotic perennial grasses as a KEY THREATENING PROCESS in Schedule 3 of the Act.

The Committee is of the opinion this threatening process adversely affects two or more threatened species, populations or ecological communities.

Copies of the Determination may be inspected at National Parks and Wildlife Service Area Offices or Visitors Centres and at the National Parks Centre 102 George Street, The Rocks, Sydney during business hours.

Any person may make a written submission, which should be forwarded to:

Director General  
National Parks & Wildlife Service  
PO Box 1967  
Hurstville NSW 2220

Attention: Suzanne Chate  
Executive Officer,  
Scientific Committee

Submissions must be received by 17th January, 2003.

DR CHRIS DICKMAN,  
Chairperson  
Scientific Committee

Determinations are also on the NPWS web site:  
[www.npws.nsw.gov.au/new/exhbtsc.htm](http://www.npws.nsw.gov.au/new/exhbtsc.htm).

**ST JOHN'S COLLEGE INCORPORATION ACT 1857**  
**NOTIFICATION OF CONSENT**

Professor Marie Bashir, Governor  
 I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Section 2 of the St John's College Incorporation Act 1857, do, by this instrument, notify my consent to the lease of part of the land described in the first Schedule hereto by the Council of St John's College to McDonald's Properties (Australia) Pty Ltd.

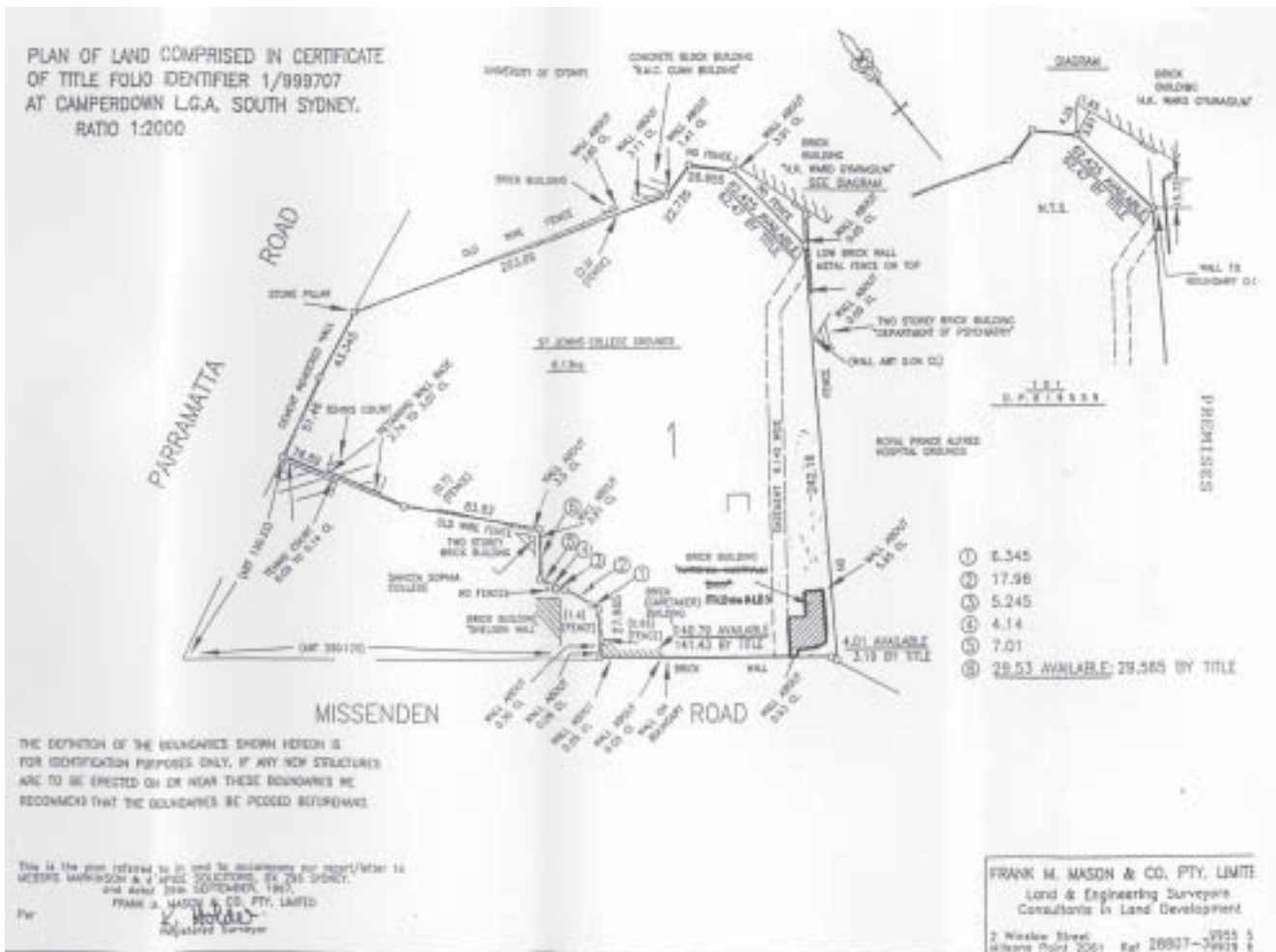
PROFESSOR MARIE BASHIR,  
 Governor

By Her Excellency's Command,

JOHN ARTHUR WATKINS, M.P.,  
 Minister for Education and Training

**SCHEDULE**

All that piece or parcel of land in the Local Government Area of South Sydney, Parish of Petersham and the County of Cumberland being Lot 1 Deposited Plan 999707.



**Explanatory Note**

The St John's College is proposing to lease part of its property to McDonald's Properties (Australia) Pty Ltd for a term of 10 years with 2 x 5 year options.

Pursuant to Section 2 of the St John's College Incorporation Act 1857 the College is required to obtain in writing the consent of the Governor, with the advice of the Executive Council in order to lease College property.

# TENDERS

## Department of Public Works and Services SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

### 27 November 2002

- 025/7282 NSW FIRE BRIGADE - TOTAL APPAREL MANAGEMENT. DOCUMENTS: \$110.00 PER SET
- 025/7295 PROCESS HOME WARRANTY INSURANCE CLAIMS FOR BIGCORP.. DOCUMENTS: \$110.00 PER SET
- 025/7269 MAINTENANCE OF AIRCRAFT. DOCUMENTS: \$110.00 PER SET
- S02/00236 (665) CLEANING FOR: LONG BAY CORRECTIONAL CENTRE. DOCUMENTS: \$27.50 PER SET
- S02/00236 (665) CLEANING FOR: LONG BAY CORRECTIONAL CENTRE. DOCUMENTS: \$27.50 PER SET

### 28 November 2002

- 027/7319 LAND VALUATION SERVICES. DOCUMENTS: \$110.00 PER SET

### 3 December 2002

- IT 02/2939 IMAGE CAPTURE SYSTEM. DOCUMENTS: \$220.00 PER SET

### 4 December 2002

- 0202512 SUPPLY OF UNIFORMS. DOCUMENTS: \$110.00 PER SET
- 0202699 ACQUISITION, PROCESSING & IMAGING OF AIRBORNE GEOPHYSICAL DATA.. DOCUMENTS: \$110.00 PER SET
- S0251901 S0251901 - MOBILE PATROL SERVICES DURING SCHOOL VACATION PERIODS.. DOCUMENTS: \$110.00 PER SET

### 9 December 2002

- ITS993/2306a PABX & KT SYSTEMS, ASSOC PRODUCTS AND SERVICES - ADDITIONAL INTAKE. DOCUMENTS: \$220.00 PER SET

### 10 December 2002

- 037/305 OUTDOOR FURNITURE, SHADE STRUCTURES AND RECREATIONAL EQUIPMENT. DOCUMENTS: \$110.00 PER SET

### 11 December 2002

- 0202395 INDEPENDENT STRATEGIC REVIEW OF COURT SECURITY IN NSW. DOCUMENTS: \$110.00 PER SET
- 0202812 COLLECTION AND DISPOSAL OF DANGEROUS GOODS FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

### 12 December 2002

- 0202343 DEVELOPMENT AND DELIVERY OF SAFETY AND SECURITY TRAINING PROGRAMS. DOCUMENTS: \$110.00 PER SET
- IT 02/2944 ACQUISITION OF SEISMIC DATA UNDER EXPLORATION NSW. DOCUMENTS: \$110.00 PER SET

**17 December 2002**

- 025/7297** PROVISION OF PORTABLE BREATH TEST DEVICE . DOCUMENTS: \$110.00 PER SET
- 0202838** TYPESETTING SERVICES FOR DISPLAY ADVERTISEMENTS FOR NSW GAA. DOCUMENTS: \$110.00 PER SET
- 027/7283** AIRCRAFT CHARTER FOR NSW POLICE FORCE. DOCUMENTS: \$110.00 PER SET

**7 January 2003**

- 027/7308** SUPPLY, FITTING AND REFURBISHMENT OF ESCORT VEHICLES (MEDIUM & LARGE). DOCUMENTS: \$110.00 PER SET

**8 January 2003**

- 036/1078** LABOUR HIRE ADMINISTRATIVE, FINANCE AND SPECIALIST PERSONNEL. DOCUMENTS: \$275.00 PER SET

**9 January 2003**

- IT2222RFP1** INTERNAT. COMPUTER DRIVING LICENCE LEARNING MATS. AND TESTING SERVICES. DOCUMENTS: \$110.00 PER SET

**TENDER DOCUMENT FEE**

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>).

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**Government Printing Service****TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender No: 33838**

**Issue Date: 15th November 2002**

**Computer Skills Assessment 2003**

Tenders are invited on the behalf of the NSW Department of Education and Training, for the development, production and implementation of the Computer Skills Assessment (CSA) practical component. The Tenderer must provide proper security facilities and resources to undertake all tasks as specified in the tender document. The Computer Skills Assessment (CSA) practical component is a test administered to Year 6 students via computers in schools throughout NSW.

The Tenderer is required to design and develop software in consultation with the Department of Education and Training, make available to schools throughout NSW via internet or CD, collect the student responses and supply data to be used for reporting on the student results.

Enquiries: Kim Cooper 9721 9833

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BLACKTOWN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Blacktown City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of local trunk drainage and a stormwater detention basin. Dated at Blacktown this 27th day of November 2002. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown, NSW 2148.

#### SCHEDULE

Lot 16-25 (inclusive), section A, DP 15587 and Lot 11,  
DP 456599. [0959]

### BLACKTOWN CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Blacktown City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Roads Act 1993. Dated at Blacktown this 27th day of November 2002. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown, NSW 2148.

#### SCHEDULE

Lot 1, DP 1039597. [0958]

### EUROBODALLA SHIRE COUNCIL

Roads Act 1993

Public Road Dedication

NOTICE is hereby given that Eurobodalla Shire Council in pursuance of section 10 of the Roads Act 1993 dedicates the following Council-owned land as public road. J. F. LEVY, General Manager, Eurobodalla Shire Council, PO Box 99, Moruya, NSW 2537. (Ref No. 96.0063.E/96.0330.E/93.5784.E/92.8596.E/01.5157.E).

#### SCHEDULE

Lot 1, Deposited Plan 1028918, Parish of Congo,  
County of Dampier.

Lot 2, Deposited Plan 1028918, Parish of Congo,  
County of Dampier.

Lot 3, Deposited Plan 1028918, Parish of Congo,  
County of Dampier.

Lot 4, Deposited Plan 1028918, Parish of Congo,  
County of Dampier.

Lot 5, Deposited Plan 1028918, Parish of Congo,  
County of Dampier. [0960]

### HURSTVILLE CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road - Stringybark Place, Lugarno

IN accordance with section 162 of the Roads Act 1993 and section 7 of the Roads (General) Regulation 2000 Council hereby gives notice to name the following public road:

Description	Name
Part of subdivision of 63-67 Woodlands Avenue, Lugarno, Deposited Plan No. 1037939 registered 30 July, 2002.	Stringybark Place.

This road has been dedicated to the public in Deposited Plan No. 1037939. For further information please phone Council's Manager of Development Advice, Peter Green on (02) 9330 6216 during office hours. JOHN PATTERSON, General Manager, Hurstville City Council, PO Box 205, Hurstville BC, NSW 1481. [0957]

### INVERELL SHIRE COUNCIL

Roads Act 1993

Naming of Roads

IN accordance with section 162 of the Roads Act 1993, it is notified that there being no objections received, the Council has adopted the name/names of:

Current Name/Location	Official Name
Staggs Lane. Running east from Staggs Lane. Guyra Road to Lot 92, DP 753271.	
McLachlans Lane. Running south from Elsmore Road to the property Rock View.	McLachlans Lane.
Spring Mountain Road. Running from the Gwydir Highway to the property Glen Moriston.	Spring Mountain Road
Northcotts Road. Running from the Spring Mountain Road to the property Lochmore.	Northcotts Road.
Lutes Road. Running from south off Rifle Range Road.	Lutes Road.
Loves Lane. Running south from the Gwydir Highway to Elsmore Road.	Loves Lane.

Roseneath Lane. Running south from the Elsmore Road to the property Craigie.

Elsmore Common Road. Running from SR 254 to the Elsmore Common. Elsmore Common Road.

Silvermines Road. Running south from Elsmore Road to the property Little Valley. Silvermines Road.

Old Armidale Road. Running from Guyra Road to SR 254. Old Armidale Road.

Cooks Road. Running south-east from Elsmore Road. Cooks Road.

Sturmans Road. Running west from the intersection of Spring Mountain Road and Northcotts Road. Sturmans Road.

Aerodrome Access Road. Running from Guyra Road to the Gilgai Airport. Airport Road.

Durkins Road. Running west from SR 261. Durkins Road.

By Order of Council 24th September 2002. P. J. HENRY, General Manager, Inverell Shire Council, Administration Centre, 144 Otho Street, Inverell, NSW 2360. [0961]

#### LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Lake Macquarie City Council in pursuance of section 10 of the Roads Act 1993, dedicates the land held by it and described in the Schedule below as public road. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region Mail Centre, NSW 2310.

#### SCHEDULE

Lots 2, 3 and 4 in Deposited Plan 1031774. [0962]

#### LAKE MACQUARIE CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Lake Macquarie City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Speers Point this 14th day of November 2002. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region Mail Centre, NSW 2310.

#### SCHEDULE

Lots 2, 3 and 4, Deposited Plan 1031774. [0963]

#### MOSMAN MUNICIPAL COUNCIL

Roads Act 1993, Section 10

Dedication of Public Road

NOTICE is hereby given that Mosman Municipal Council pursuant to section 10 of the Roads Act 1993 dedicates the Council owned land, detailed in the Schedule below as public road. V. H. R. MAY, General Manager, Mosman Municipal Council, PO Box 211, Spit Junction, NSW 2088

#### SCHEDULE

Lot 19 in Deposited Plan 4030, Parish of Willoughby, County of Cumberland being land known as Lot 19, Heydon Street, Mosman. [0967]

#### PARRAMATTA CITY COUNCIL

Local Government Act 1993, Section 50

Dedication of Land as Public Garden and Recreation Space at Dundas in the Parramatta City Council Area

THE Parramatta City Council in accordance with the provisions of section 50 (4) of the Local Government Act 1993 vest the land described in the Schedule below as public garden and recreation space. T. BARNES, General Manager, Parramatta City Council, PO Box 32, Parramatta, NSW 2124.

#### SCHEDULE

All of the parcel of land situated in the Parramatta City Council area at Dundas, Parish of Field of Mars, County of Cumberland shown as Lot E, Deposited Plan 39960.

[0968]

#### PARRAMATTA CITY COUNCIL

Local Government Act 1993, Section 50

Dedication of Land as Public Garden and Recreation Space at Dundas in the Parramatta City Council Area

THE Parramatta City Council in accordance with the provisions of section 50 (4) of the Local Government Act 1993 vest the land described in the Schedule below as public garden and recreation space. T. BARNES, General Manager, Parramatta City Council, PO Box 32, Parramatta, NSW 2124.

#### SCHEDULE

All of the parcel of land situated in the Parramatta City Council area at Dundas, Parish of Field of Mars, County of Cumberland shown as Lot 31, Deposited Plan 25463.

[0969]

**SHOALHAVEN CITY COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Shoalhaven City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a sports ground. Dated at Nowra this 25th day of November 2002. SHOALHAVEN CITY COUNCIL, c.o. Morton & Harris, Solicitors, PO Box 162, Nowra, NSW 2541.

**SCHEDULE**

Lots 40 and 191 in DP 755968. [0970]

**WEDDIN SHIRE COUNCIL**

Roads Act 1993, Section 10

Erratum

THE Council's Notice of Acquisition in *NSW Government Gazette* No. 143 (notice No. 817 on page 8168) contains a list of Lot numbers to be acquired which was in error. The correct list of Lots in DP 872222 being acquired is Lots 2, 5, 8, 11, 12, 15, 16, 17, 18. T. V. LOBB, General Manager, Weddin Shire Council, PO Box 125, Grenfell, NSW 2810. [0971]

**WOLLONGONG CITY COUNCIL**

Roads Act 1993, Section 10

Dedication of Land as Public Road

PURSUANT to section 10 of the Roads Act 1993, Wollongong City Council hereby dedicates the following Council land as public road. R. J. OXLEY, General Manager, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre, NSW 2521.

**SCHEDULE**

Lot 100, DP 872951, Harbour Street, Wollongong. [0964]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JEAN McLAUGHLAN DUNN, late of 194 Great Western Highway, Westmead in the State of New South Wales, who died on 25th April, 2001 must send particulars of his/her claim to the executrix, Lena Anne Vella, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate in Solemn Form was granted in New South Wales on 18th November, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel: (02) 9682 3777. [0955]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAVIS JEAN SMART, late of 89 Fowler Road, Merrylands in the State of New South Wales, widow, who died on 10th August, 2002 must send particulars of his/her claim to the executrix, Jennifer Mavis Clark, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 12th November, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel: (02) 9682 3777. [0956]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LILA MAY WELDON late of 17 Lawson Street, Balmain in the State of New South Wales, home duties, who died on 26th September, 2002 must send particulars of his/her claim to the executrix, Alice Clarke, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle, NSW 2039 within one calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 19th November, 2002. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle, NSW 2039. [0974]

**COMPANY NOTICES**

NOTICE of general meeting.—WAAC PTY LIMITED, ACN 001 151 659.—Notice is hereby given that a general meeting of the company will be held at Level 13, 122 Arthur Street, North Sydney on 20th December, 2002 at 10.00 a.m. for the purpose of considering the report of the liquidator including how the winding up of the company has been conducted. Dated this 20th day of November 2002. CHRISTOPHER BARNES, Secretary. [0966]

NOTICE of general meeting of members.—LABCIB PTY LIMITED (In liquidation), ACN 002 735 775.—Notice is hereby given in pursuance of sub-section 509 (3) and (4) of the Corporations Law that a general meeting of the members of the abovenamed company will be held on 23rd day of December 2002, at 10.00 a.m. at the office of Crosbie Warren Sinclair, 1 Warabrook Boulevard, Warabrook, NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the Liquidator. Dated this 25th day of November 2002. RICHARD JAMES SOUTH, Liquidator, c.o. Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre, NSW 2310, tel.: (02) 4923 4000. [0972]

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law.—NAVGRAND PTY LIMITED (In liquidation), ACN 003 738 234.—Notice is hereby given that at a meeting of members of the abovenamed company held on 25th November, 2002 the following special and ordinary resolutions respectively were passed: "That the

company be wound up as a members voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire” and “That Richard James South be appointed Liquidator of the company”. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidators within twenty-eight (28) days of this date, otherwise distributions of the assets will take place without regard to such claims. Dated this 25th day of November 2002. RICHARD JAMES SOUTH, Liquidator, c.o. Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre, NSW 2310, tel.: (02) 4923 4000.

[0973]

NOTICE of meeting of members.—A.C.N. 002 292 079 PTY LIMITED (In liquidation) (formerly JAMES R. LAWSON CONSOLIDATED PTY LIMITED), ACN 002 292 079.—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the abovenamed company will be held at the offices of Hughes Pettit, Level 7, 2 Bridge Street, Sydney on 13th January, 2003 at 11.00 a.m. for the purpose of laying before the meeting the liquidator’s final account and report and giving any explanation thereof. Dated 27th November, 2002. GRAY DAVID HUGHES, Liquidator, c.o. Hughes Pettit, Chartered Accountants, Level 7, 2 Bridge Street, Sydney, NSW 2000, tel.: (02) 9251 5400. [0975]

### OTHER NOTICES

NOTICE under section 42 of the Anglican Church of Australia Trust Property Act 1917.—ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY.—By Clause 1 of the Milton Variation of Trusts and Land Sale Ordinance 1985, passed on 23rd September, 1985 under section 19 of the Anglican Church of Australia Trust Property Act 1917, the Standing Committee of the Synod of the Diocese of Sydney consented to the vesting of the land in the Schedule in the corporate trustee of the Diocese, Anglican Church Property Trust Diocese of Sydney. P. F. JENSEN, Archbishop of Sydney, St Andrew’s House, Sydney Square, NSW 2000, tel.: (02) 9265 1555.

#### SCHEDULE

All that piece or parcel of land at Ulladulla in the County of St Vincent, Parish of Ulladulla being Lot 1 of section 3A and the whole of the land in Land Grant Volume 376 Folio 117. [0965]