



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 72
Friday, 12 April 2002

Published under authority by the Government Printing Service

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO Legislative Assembly Office, Sydney, 9 April 2002

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 1, 2002 - An Act to amend the Children (Detention Centres) Act 1987 with respect to the extension of the detention of a person subject to control if the person is unlawfully absent from custody; to amend certain other Acts; and for other purposes. [**Children (Detention Centres) Amendment Act**]

Act No. 2, 2002 - An Act to amend the Children (Detention Centres) Act 1987 with respect to the extension of the detention of a person subject to control if the person is unlawfully absent from custody; to amend certain other Acts; and for other purposes. [**Conveyancing Legislation Amendment (e-plan) Act**]

Act No. 3, 2002 - An Act to amend the Sydney Bethel Union Extension Act 1908 to enable the trustees of the Sydney Bethel Union to provide facilities for seafarers visiting any port in New South Wales; to enable the trustees to invest money in accordance with the Trustee Act 1925; to enable the trustees to engage employees and others; and for other purposes. [**Sydney Bethel Union Extension Amendment Act**]

Act No. 4, 2002 - An Act to amend the Bail Act 1978 so as to require bail granted to persons accused of offences occasioning death to be made subject, except in special circumstances, to conditions requiring the giving up of passports held by them. [**Bail Amendment (Confiscation of Passports) Act**]

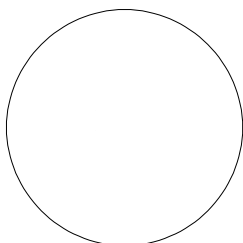
Proclamations

Criminal Procedure Amendment (Justices and Local Courts) Act 2001 No 119—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 *Criminal Procedure Amendment (Justices and Local Courts) Act 2001*, do, by this my Proclamation, appoint 19 April 2002 as the day on which Schedule 1 [17] to that Act commences.

Signed and sealed at Sydney, this 10th day of April 2002.



By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this proclamation is to commence provisions to be inserted in the *Criminal Procedure Act 1986* relating to descriptions of offences and short descriptions of offences.

This proclamation is made under section 2 of the Act.

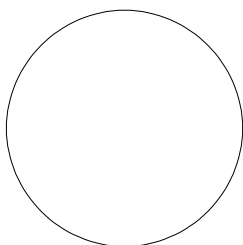
Justices Legislation Repeal and Amendment Act 2001 No 121— Proclamation

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 *Justices Legislation Repeal and Amendment Act 2001*, do, by this my Proclamation, appoint 19 April 2002 as the day on which the following provisions of that Act commence:

- (a) section 3 (1), insofar as it repeals sections 145A (1) and 145B of the *Justices Act 1902*,
- (b) section 3 (2).

Signed and sealed at Sydney, this 10th day of April 2002.



By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this proclamation is to repeal provisions of the *Justices Act 1902* relating to descriptions of offences and short descriptions of offences.

This proclamation is made under section 2 of the Act.

Regulations

Food Amendment (Notifications) Regulation 2002

under the

Food Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 1989*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Food Regulation 2001* to provide that the Director-General of the Department of Health may make an arrangement with a local council for the council to accept notifications under the *Food Standards Code* relating to new food handling operations and forward those notifications to the Director-General.

This Regulation also sets out certain fees that may be levied by such a council and the Director-General in relation to those notifications.

This Regulation is made under the *Food Act 1989*, including section 90 (the general regulation-making power), and in particular section 90 (1) and 90 (2) (u).

Clause 1 Food Amendment (Notifications) Regulation 2002

Food Amendment (Notifications) Regulation 2002

1 Name of Regulation

This Regulation is the *Food Amendment (Notifications) Regulation 2002*.

2 Amendment of Food Regulation 2001

The *Food Regulation 2001* is amended as set out in Schedule 1.

Food Amendment (Notifications) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 6AA

Insert after clause 6:

6AA Notifications of food handling operations

- (1) The Director-General may make an arrangement with a local council for the council to accept notifications under clause 4 of Standard 3.2.2 of the *Food Standards Code* on behalf of the Director-General and forward those notifications to the Director-General.
- (2) A local council that performs the service of accepting and forwarding a notification under subclause (1) may in accordance with section 608 of the *Local Government Act 1993* charge a fee for that service not exceeding the following:
 - (a) if the notification relates to 5 food premises or less—\$50,
 - (b) if the notification relates to more than 5 food premises—\$10 per premises.
- (3) A notification under clause 4 of Standard 3.2.2 of the *Food Standards Code* may be made:
 - (a) in a written form—directly to the Director-General or to the Director-General through a local council (under an arrangement made in accordance with subclause (1)), or
 - (b) in an electronic form by way of the Internet—directly to the Director-General.
- (4) A notification that is made in a written form directly to the Director-General must be accompanied by a processing fee of:
 - (a) if the notification relates to 5 food premises or less—\$50, and
 - (b) if the notification relates to more than 5 food premises—\$10 per premises.

Food Amendment (Notifications) Regulation 2002

Schedule 1 Amendment

- (5) A notification under clause 4 of Standard 3.2.2 of the *Food Standards Code* is not duly made unless it is accompanied by any fee that is required under this clause.

Mine Subsidence Compensation Amendment (Contributions) Regulation 2002

under the

Mine Subsidence Compensation Act 1961

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Mine Subsidence Compensation Act 1961*.

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

Explanatory note

The object of this Regulation is to prescribe the contributions payable by the owners of certain colliery holdings to the Mine Subsidence Compensation Fund for the 2001 rating year.

This Regulation is made under the *Mine Subsidence Compensation Act 1961*, including sections 11 (1A) and 18 (the general regulation-making power).

Clause 1 Mine Subsidence Compensation Amendment (Contributions)
 Regulation 2002

Mine Subsidence Compensation Amendment (Contributions) Regulation 2002

1 Name of Regulation

This Regulation is the *Mine Subsidence Compensation Amendment (Contributions) Regulation 2002*.

2 Amendment of Mine Subsidence Compensation Regulation 1997

The *Mine Subsidence Compensation Regulation 1997* is amended as set out in Schedule 1.

Mine Subsidence Compensation Amendment (Contributions)
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Rate of contribution to Mine Subsidence Compensation Fund for 2001

(Clause 5)

Column 1	Column 2
Colliery holding	Rate (in \$)
Aberdare North	Excepted
Airly	0.00118
Angus Place	0.03768
Antiene	Excepted
Appin	0.02487
Avon	Excepted
Avondale	0.00064
Baal Bone	0.06377
Bargo	Excepted
Bayswater No 2	0.38356
Bengalla	0.04866
Berrima	0.00488
Bloomfield	0.00847
Blue Mountains	0.00667
Boggabri	0.00053
Brimdale	Excepted
Brimstone	Excepted
Brimstone Extended	Excepted

Page 3

Mine Subsidence Compensation Amendment (Contributions)
Regulation 2002

Schedule 1 Amendment

Column 1	Column 2
Colliery holding	Rate (in \$)
Bulli Main	Excepted
Camberwell	0.02528
Canyon	0.00132
Cardiff Borehole	Excepted
Chain Valley	0.01572
Charbon	0.00959
Clarence	0.02719
Coal Cliff	0.00083
Cooranbong	0.03686
Cordeaux	0.01001
Cullen Valley	0.10606
Cumnock No 1	0.01253
Dartbrook	0.06278
Donaldson Coal	Excepted
Drayton	0.04393
Duralie	0.00043
Elouera	0.01605
Enhance Place	0.01676
Fernbrook	0.00303
Glendell	Excepted
Glennies Creek	0.00672
Gunnedah	0.00357
Hunter Valley Extended	0.00124
Hunter Valley Operations	0.02399
Huntley	0.00038
Invincible	0.00960
Ivanhoe	0.02524
John Darling	0.01458
Kandos No 3	0.00648

Mine Subsidence Compensation Amendment (Contributions)
Regulation 2002

Amendment

Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
Kemira	0.00053
Lambton	Excepted
Lemington	0.03169
Liddell	0.01669
Lithgow Valley	Excepted
Mandalong Mine	Excepted
Maules Creek	0.00053
Metropolitan	0.02416
Mitchells Flat	0.00057
Mt Owen	0.35008
Mt Thorley	0.03869
Munmorah	0.01923
Muswellbrook	0.02019
Myuna	0.03926
Narama	0.14657
Nardell Underground	0.00145
Nattai	0.00189
New Wallsend No 2	0.09249
Newdell	Excepted
Newstan	0.01405
North Cliff	Excepted
Northern	0.02028
Preston & Preston Extended Tunnel	0.00800
Ravensworth East	Excepted
Ravensworth No 2	0.00904
Rixs Creek	0.01815
Saxonvale	0.04403
South Bulli	0.00721
Southland	0.01408

Mine Subsidence Compensation Amendment (Contributions)
Regulation 2002

Schedule 1 Amendment

Column 1	Column 2
Colliery holding	Rate (in \$)
Springvale	0.03003
Stratford	0.03686
Swamp Creek	0.00025
Tahmoor	0.01899
Teralba	0.00879
Tower	0.02175
Ulan No 2	0.08340
United	0.02878
Valley No 1	0.02222
Valley No 3	0.04000
Vickery	0.00078
Wallarah	0.02086
Wallerawang	0.00426
Wambo	0.03704
Warkworth	0.05618
West Cliff	0.02961
West Wallsend	0.07085
Western Main	0.00250
Westside	0.00477
Whitehaven	0.01259
Wyee	0.03037

Public Authorities (Financial Arrangements) Amendment (Rail Fleet Services Limited) 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

Rail Infrastructure Corporation is an authority declared by regulations made under section 24 of the *Public Authorities (Financial Arrangements) Act 1987* to have the investment powers described in Part 2 of Schedule 4 to that Act.

The object of this Regulation is to expand the investment powers of Rail Infrastructure Corporation by prescribing an additional investment power under Schedule 4 that gives it the power to invest up to \$7.38 million in Rail Fleet Services Limited (ACN 090 681 566) on terms and conditions approved by the Treasurer.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including section 43 (the general regulation-making power) and clause 3 (f) of Schedule 4.

Clause 1 Public Authorities (Financial Arrangements) Amendment (Rail Fleet Services Limited) Regulation 2002

Public Authorities (Financial Arrangements) Amendment (Rail Fleet Services Limited) Regulation 2002

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Rail Fleet Services Limited) 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.

Schedule 1 Amendment

(Clause 2)

Clause 52G

Insert after clause 52F:

52G Additional investment—Rail Infrastructure Corporation

The following additional investment is prescribed in respect of Rail Infrastructure Corporation for the purposes of clause 3 (f) of Schedule 4 to the Act:

Investment, made on terms and conditions approved by the Treasurer, in connection with Rail Fleet Services Limited (ACN 090 681 566) not exceeding a total investment of \$7,380,000.

Rules

District Court Amendment (Evidence on Commission) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 20 February 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to replace Part 25 of the *District Court Rules 1973* dealing with the taking of evidence otherwise than at trial. The provisions of the new Part 25 are based on the provisions of Part 27 of the *Supreme Court Rules 1970*, which make provision (among other things) for examination orders under the *Evidence on Commission Act 1995*. The District Court has recently been given the same jurisdiction to make examination orders under the *Evidence on Commission Act 1995* in relation to witnesses abroad as the Supreme Court by an amendment made to that Act by the *Courts Legislation Further Amendment Act 2001*.

Clause 1 District Court Amendment (Evidence on Commission) Rule 2002

District Court Amendment (Evidence on Commission) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Evidence on Commission) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Evidence on Commission) Rule 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Part 25

Omit the Part. Insert instead:

Part 25 Taking evidence otherwise than at the trial

1 Order for examination of witness

The Court may, for the purpose of proceedings in the Court, make orders for the examination of any person before a Judge or other officer of the Court or before such other person as the Court may appoint as examiner at any place:

- (a) in the State or out of the State in Australia, or
- (b) out of Australia.

2 Criminal proceedings

- (1) If a person has been committed for trial or to be dealt with before the Court, a proceeding between the prosecuting authority and the person is before the Court for the purposes of any application to the Court under section 6 (1) of the *Evidence on Commission Act 1995*.
- (2) Any application under section 6 (1) of the *Evidence on Commission Act 1995* must be made by notice of motion in the proceedings.
- (3) Rule 18 (1) (b) (which relates to a stay of proceedings) does not apply in criminal proceedings.

3 Judge etc as examiner

- (1) A Judge or other officer of the Court may not act as an examiner otherwise than with the concurrence of the Chief Judge.

District Court Amendment (Evidence on Commission) Rule 2002

Schedule 1 Amendment

-
- (2) If the proposed examiner is a Judge or other officer of the Court, an applicant for an order (in this rule called an ***examination order***) under rule 1 (b), section 6 (1) (a) of the *Evidence on Commission Act 1995* or, where the order is of a kind referred to in section 6 (1) (a) of that Act, under section 9 of that Act, must request the proposed examiner to certify the amount which in the examiner's opinion should be paid into Court as provision for expenses in relation to the examination.
 - (3) An examination order must be expressed to be conditional on the payment into Court by such person and within such time as the Court may specify of not less than the amount certified in accordance with subrule (2).
 - (4) If the registrar forms the opinion that the amount paid or payable into Court under subrule (3) is or may be insufficient to provide for the expenses of the examination, the Court may, on application of the registrar:
 - (a) order the party on whose application the examination order was made to pay into Court such further amount, and within such time, as the Court may specify, or
 - (b) stay the proceedings until payments so far as concerns the whole or any part of any claim for relief by that party, or
 - (c) suspend the operation of the examination order until payment.
 - (5) The registrar must apply so much of the amount paid into Court as may from time to time be required for the purpose, in the payment to or at the direction of the examiner of expenses or advances for expenses incurred or to be incurred in relation to the examination.
 - (6) Any amount paid under subrule (5) that is not required for expenses in relation to the examination must be repaid into Court.
 - (7) After the conclusion of the examination, on the examiner certifying that no expenses in relation to the examination remain unpaid or unrecovered from the money in Court, the registrar must, subject to any order of the Court, refund to the

District Court Amendment (Evidence on Commission) Rule 2002

Amendment

Schedule 1

person by whom the money was paid into Court (and, if more than one, in the same proportions as their respective payments into Court) any money remaining in Court.

4 Forms of order

Orders under rule 1 or section 6 (1) (a) or (c) of the *Evidence on Commission Act 1995* may be in or to the effect of the approved forms.

5 Letter of request

(1) On the making of an order under section 6 (1) (c) of the *Evidence on Commission Act 1995* or, where the order is of a kind referred to in section 6 (1) (c) of that Act, under section 9 of that Act, for the issuing of a letter of request, the party obtaining the order must:

- (a) lodge with the registrar:
 - (i) a form of the appropriate letter of request,
 - (ii) the interrogatories (if any) and cross-interrogatories (if any) to accompany the letter of request, and
 - (iii) unless the Court otherwise orders, if the letter of request is to be issued to the judicial authorities of a country in which English is not an official language appropriate to the place where the evidence is to be taken, a translation of each of the documents mentioned in subparagraphs (i) and (ii) in an official language of that country appropriate to the place where the evidence is to be taken, and
- (b) file:
 - (i) a copy of each of the documents mentioned in paragraph (a), and
 - (ii) an undertaking by the party obtaining the order or the party's legal representative to be responsible for all expenses incurred by the Court or by any person at the request of the Court in respect of the letter of request and, on being given notice of the amount of any such expenses, to pay the amount to the registrar.

District Court Amendment (Evidence on Commission) Rule 2002

Schedule 1 Amendment

-
- (2) A translation lodged under subrule (1) (a) (iii) must be certified by the person making it to be a correct translation, and the certificate must state the person's full name and address and the office or qualification by reason of which the person so certifies.

6 Evidence on Commission Act 1995

If an order is made under section 6 (1) (a) of the *Evidence on Commission Act 1995* or, where the order is of a kind referred to in section 6 (1) (a) of that Act, under section 9 of that Act, rules 8–17 apply subject to any directions given by the Court under section 7 (1) of that Act.

7 Evidence otherwise than on oath

Unless the Court otherwise orders:

- (a) a person may be examined in another country pursuant to an order under rule 1 (b), or
- (b) evidence of a person may be taken in another country pursuant to an order under section 6 (1) (c) of the *Evidence on Commission Act 1995*,

otherwise than on oath or affirmation if the person is examined or the evidence is taken in accordance with the procedure of the country.

8 Documents for examiner

- (1) The party obtaining an order for examination before an examiner under rule 1, section 6 (1) (a) of the *Evidence on Commission Act 1995* or, where the order is of a kind referred to in section 6 (1) (a) of that Act, under section 9 of that Act, must furnish the examiner with copies of such of the documents in the proceedings as are necessary to inform the examiner of the questions to which the examination is to relate.
- (2) If the documents in the proceedings are not sufficient to inform the examiner of the questions to which the examination is to relate the Court must, in the order for examination or in a later order, state the questions to which the examination is to relate.
- (3) This rule does not apply if a Judge is the examiner.

District Court Amendment (Evidence on Commission) Rule 2002

Amendment

Schedule 1

9 Appointment for examination

- (1) The examiner must appoint a place and time for the examination.
- (2) The time appointed must, having regard to the convenience of the person to be examined, and to the circumstances, be as soon as practicable after the making of the order.
- (3) The examiner must give notice of an appointment under this rule to the party obtaining the order and that party must, not later than the earlier of:
 - (a) 3 days, or
 - (b) a reasonable time,before the time appointed, give notice of the appointment to each other party.

10 Conduct of examination

- (1) The examiner must permit each party, the party's counsel and solicitor to attend the examination.
- (2) Subject to this Part, the proceedings before the examiner must be in accordance with the procedure of this Court.
- (3) A person examined before an examiner may, unless the Court otherwise orders, be cross-examined and re-examined.
- (4) The examination, cross-examination and re-examination of a person before an examiner must, unless the Court otherwise orders, be conducted in like manner as at a trial.
- (5) The examiner may put any question to a person examined before him as to:
 - (a) the meaning of any answer made by that person, or
 - (b) any matter arising in the course of the examination.
- (6) The examiner may adjourn the examination from time to time or from place to place.

11 Examination of additional persons

- (1) If the examiner is a Judge, the examiner may, on application of a party to the proceedings, take the examination of any person not named or provided for in the order for examination.

District Court Amendment (Evidence on Commission) Rule 2002

Schedule 1 Amendment

-
- (2) If the examiner is not a Judge, the examiner may, with the consent in writing of each party to the proceedings, take the examination of any person not named or provided for in the order for examination and, if the examiner does so, the examiner must annex to the written record or transcript of the deposition of that person the consent of each of the parties.

12 Objection

- (1) If objection is taken to a question put to a person being examined before an examiner, or a person being so examined takes objection to answering a question put to the person or to produce any document or thing:
- (a) the examiner must state to the parties the examiner's opinion on, but must not decide, the validity of the ground for the objection, and
 - (b) the question, the ground for the objection, the opinion of the examiner, and the answer (if any) must be set out in the written record or transcript of the deposition of that person or in a statement attached to the written record or transcript, and
 - (c) the Court may, on motion by any party, decide the validity of the ground for the objection, and
 - (d) if the Court decides against the objector, the Court may order the person to pay the costs occasioned by the objection.
- (2) This rule does not apply if the examiner is a Judge.

13 Taking of depositions

- (1) The deposition of a person examined before an examiner must be recorded by means of writing, shorthand, stenotype machine or sound-recording apparatus.
- (2) The deposition must contain as nearly as may be the statement of the person examined.
- (3) The examiner may direct that the words of any question and the answer to the question be recorded.
- (4) Subject to subrules (2) and (3) and subject to rule 12 (1) (b) every question and answer need not be recorded.

District Court Amendment (Evidence on Commission) Rule 2002

Amendment

Schedule 1

14 Videotaping etc the examination

The Court or the examiner may give directions for making, by any audio-visual method, a recording of proceedings on an examination.

15 Authentication and filing

- (1) If, for the purposes of rule 13 (1), the deposition of a person examined is recorded by means of writing, the written record must be read over either to or by the person, as the examiner may direct, and be signed by the person examined.
- (2) A transcript must be prepared of a deposition recorded by one of the means other than writing, referred to in rule 13 (1) and the person who prepared the transcript must certify that it is a correct transcript of the deposition so recorded.
- (3) The examiner must authenticate by his or her signature the written record or transcript of the deposition and any document which constitutes a recording under rule 14.
- (4) The examiner must make on, or attach to, the written record or transcript of the deposition a note signed by the examiner of the time occupied in the examination and the fees received by the examiner in respect of the examination.
- (5) The examiner must send the written record or transcript of the deposition and any document which constitutes a recording under rule 14 to the registrar and the registrar must file them in the proceedings.
- (6) The examiner must, unless the Court otherwise orders, send the exhibits to the registrar and the registrar must deal with the exhibits in such manner as the Court may direct.
- (7) Subrules (1), (2), (4) and (5) do not apply if the examiner is a Judge.

16 Special report

- (1) The examiner may make to the Court a special report with regard to an examination before him and with regard to the absence of any person from, or the conduct of any person at, the examination.

District Court Amendment (Evidence on Commission) Rule 2002

Schedule 1 Amendment

- (2) The Court may direct such proceedings to be taken, or make such order, on the report as the Court thinks fit.

17 Default of witness

- (1) If a person has been required by subpoena to attend before an examiner who is not a Judge, and the person refuses to be sworn for the purposes of the examination or to answer any lawful question, or to produce any document or thing, the examiner must, at the request of any party, give to that party a certificate, signed by the examiner, of the refusal.
- (2) The Court may on the certificate being filed, and on motion by any party:
- (a) order that person to be sworn, or to answer the question or to produce the document or thing as the case may be, and
 - (b) order that person to pay any costs occasioned by the person's refusal.

18 Order for payment of expenses

- (1) If a party has given an undertaking as mentioned in rule 5 (1) (b) (ii) and does not, within 7 days after service on him of notice of the amount of the expenses concerned, pay the amount of the expenses to the registrar, the Court may, on application by the registrar:
- (a) order the party to pay the amount of the expenses to the registrar, and
 - (b) stay the proceedings until payment so far as concerns the whole or any part of any claim for relief by that party.
- (2) In subrule (1) (b), *proceedings* includes, if the undertaking was filed on the making of an order under section 9 of the *Evidence on Commission Act 1995* of a kind referred to in section 6 (1) (c) of that Act, a proceeding (except a criminal proceeding) before the inferior court.

19 Perpetuation of testimony

- (1) Witnesses must not be examined to perpetuate testimony unless proceedings have been commenced for the purpose.

District Court Amendment (Evidence on Commission) Rule 2002

Amendment

Schedule 1

-
- (2) Any person may commence proceedings to perpetuate testimony which may be material for establishing any right or claim to any relief, which right or claim cannot be established before the happening of a future event.
 - (3) Proceedings to perpetuate the testimony of witnesses must not be set down for trial.
 - (4) If proceedings to perpetuate testimony touch any matter or thing in which the Crown may have an interest, the Attorney General may be made a defendant.
 - (5) If, pursuant to subrule (4), the Attorney General is made a defendant to proceedings to perpetuate testimony, a deposition taken in those proceedings is not be inadmissible in other proceedings by reason that the Crown was not a party to the proceedings to perpetuate testimony.
 - (6) Subrule (2) does not affect the right of any person to commence proceedings to perpetuate testimony in cases to which that subrule does not apply.

20 Evidence admissible

The evidence of a witness taken under rule 1 is admissible, subject to all just exceptions, at the trial of the proceedings unless it is proved that the witness is, at the time of the trial, within a convenient distance of the place at which the proceedings is being tried and able to attend.

21 Expenses

A witness attending before an examiner to be examined, or to produce a document, as allowed by an order under rule 1 is entitled to payment of the like amount for conduct money expenses and loss of time as he would have been entitled to on the witness attending to give evidence or to produce a document at the trial of the proceedings before the Court.

District Court Amendment (Civil Procedure) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 April 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to make amendments to the *District Court Rules 1973* consequent on the reissue of Practice Note 33 on 4 October 2001.

Clause 1 District Court Amendment (Civil Procedure) Rule 2002

District Court Amendment (Civil Procedure) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Civil Procedure) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Civil Procedure) Rule 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 9, rule 27

Omit rule 27 (9) and (10). Insert instead:

- (9) If, after service of any statement, document or report mentioned in subrule (2) or (6) and at least 42 days before the day first scheduled for a status conference in the proceedings (the *latest advice date*), the plaintiff becomes aware that any information contained in the statement, document or report is no longer accurate and complete information as regards the plaintiff's claim, the plaintiff must as soon as practicable give to all other parties who have separately pleaded such advice as is necessary to make that information accurate and complete.
- (10) An amended statement of particulars may not be filed after the latest advice date referred to in subrule (9) unless the Court grants leave for it to be filed.
- (10A) At the first scheduled status conference in the proceedings, each party to the proceedings must provide to the Court:
 - (a) a schedule of all the documents and reports served by the party as required under these rules (including the dates of service of the documents and reports), and
 - (b) a schedule of any documents or reports that the party will seek the leave of the Court to file in the future and the expected date of service of such documents or reports.

[2] Part 18, rule 9

Omit the rule. Insert instead:

9 Dismissal of dormant actions commenced by lodging statements of liquidated claims

If an action is commenced by the lodging of a statement of liquidated claim and, on the expiry of the period of 6 months and 28 days from the date of the commencement of the action:

- (a) a notice of grounds of defence has not been filed, and

Page 3

District Court Amendment (Civil Procedure) Rule 2002

Schedule 1 Amendments

-
- (b) default judgment has not been entered or the action otherwise disposed of by judgment or final order, the action is taken to be dismissed on the day following the day on which that period expires.

[3] Part 28, rule 8

Omit rule 8 (3). Insert instead:

- (3) Unless the Court otherwise orders, in proceedings to which this rule applies, each party to the proceedings must, at least 28 days before the day first scheduled for a status conference in the proceedings, serve experts' reports and hospital reports on each other party who has an address for service in the proceedings.

[4] Part 28, rule 8 (6A)

Insert after rule 8 (6):

- (6A) The Court may grant leave under subrule (6) only if the Court is satisfied that:
- (a) there are exceptional circumstances that warrant the granting of leave, or
- (b) the expert's report or hospital report concerned merely updates an earlier version of the report that was served in accordance with this rule.

District Court Amendment (Civil Juries) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 April 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 12 of the *District Court Rules 1973* to require an application for an order for the trial of action with a jury made under section 76A of the *District Court Act 1973* (as inserted by Schedule 2 to the *Courts Legislation Amendment (Civil Juries) Act 2001*) to be made by notice of motion filed at the same time as the requisition for the jury.

Clause 1 District Court Amendment (Civil Juries) Rule 2002

District Court Amendment (Civil Juries) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Civil Juries) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Part 12, rule 5

Omit the rule. Insert instead:

5 Requisition for trial

- (1) An application for an order under section 76A of the Act for an action to be tried with a jury must be made by notice of motion.
- (2) Any such notice of motion must be filed with the Court at the same time as the requisition for trial with a jury referred to in section 76A (2) (a) (i) of the Act is filed with the Court.

District Court Amendment (Law Revision) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 April 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to standardise some irregular structures in the Rules to facilitate the publication of the Rules on the internet.

Clause 1 District Court Amendment (Law Revision) Rule 2002

District Court Amendment (Law Revision) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Law Revision) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Law Revision) Rule 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 39, rule 1AA

Insert before rule 1AA:

Division 1A Application of Part

[2] Part 39, rule 10

Omit “the Schedule” from rule 10 (4) wherever occurring.
Insert instead “Schedule 2”.

[3] Part 39, rule 10 (6)

Omit “the Schedule” wherever occurring. Insert instead “Schedule 2”.

[4] Part 39, rule 10 (6A)

Omit “the Schedule” wherever occurring. Insert instead “Schedule 2”.

[5] Part 39, rule 10 (6C)

Omit “the Schedule” wherever occurring. Insert instead “Schedule 2”.

[6] Part 39, rule 10 (8)

Omit “the Schedule”. Insert instead “Schedule 2”.

[7] Part 39, rule 10 (9)

Omit “the Schedule”. Insert instead “Schedule 2”.

[8] Part 39, rule 10 (10)

Omit “the Schedule” wherever occurring. Insert instead “Schedule 2”.

[9] Part 39, rule 17

Omit “the Schedule” from rule 17 (2) (b). Insert instead “Schedule 2”.

District Court Amendment (Law Revision) Rule 2002

Schedule 1 Amendments

[10] Part 39, rule 22

Omit “the Schedule” from rule 22 (2). Insert instead “Schedule 2”.

[11] Part 39, rule 27

Omit “the Schedule to these rules” from rule 27 (8).
Insert instead “Schedule 2”.

[12] Part 39, rule 28

Omit “the Schedule” from rule 28 (1) (c). Insert instead “Schedule 2”.

[13] Part 39, rule 28 (5)

Omit “the Schedule” from rule 28 (5). Insert instead “Schedule 2”.

[14] Part 39A, rule 21 (1)

Renumber paragraph (a) where secondly occurring as paragraph (c).

[15] Part 39A, rule 21 (1)

Renumber paragraph (b) where secondly occurring as paragraph (d).

[16] Schedule

Omit the headings **Schedule** and **Scale of costs and allowances to witnesses** from the beginning of the Schedule at the end of the *District Court Rules 1973*.

Insert instead:

Schedule 2 Scale of costs and allowances to witnesses

OFFICIAL NOTICES

Appointments

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence from the State of the Minister of Health

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J. J. DELLA BOSCA, M.L.C., Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast, to act for and on behalf of the Minister for Health, as on and from 24 April 2002, with a view to him performing the duties of the Honourable C. J. Knowles, M.P., during his absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
10 April, 2002

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting Director General

Department of Information Technology and Management

HIS Excellency, the Administrator of the State of New South Wales, with the advice of the Executive Council, pursuant to section 10B of the Public Sector Management Act 1988, has appointed Des MOONEY to act as Director General, Department of Information Technology and Management for the period 13 April 2002 to 21 April 2002 (inclusive).

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

SYDNEY CRICKET AND SPORTS GROUND ACT 1978

Appointment of Trustee

Department of Sport and Recreation

HER Excellency the Governor and the Executive Council, pursuant to section 6(1)(a) of the Sydney Cricket and Sports Ground Act, 1978, has appointed Anthony Francis SHEPHERD as a member of the Sydney Cricket and Sports Ground Trust for a term of office commencing on 1 April 2002 and terminating on 13 July 2005.

The Hon MORRIS IEMMA, M.P.,
Minister for Sport and Recreation

STATE SPORTS CENTRE TRUST ACT 1984

Appointment of Trustees of the Trust

HER Excellency the Governor and the Executive Council, pursuant to section 5(1) of the State Sports Centre Trust Act, 1984, has appointed Alan WHELPTON, AM, Helen BROWNLEE, OAM, Ken CLIFFORD, Liz ELLIS, Craig GALLAGHER, Wayne PRIOR, Brendan O'REILLY, Lorraine LANDON and Pam TYE, OAM, to the Office of Trustee of the State Sports Centre Trust for the period 8 March 2002 to 7 March 2004, and that pursuant to clause 8(2) of Schedule 1 to the State Sports Centre Trust Act 1984 that Alan WHELPTON, AM, be appointed Chairperson of the Trust for the above term.

The Hon MORRIS IEMMA, M.P.,
Minister for Sport and Recreation

VETERINARY SURGEONS ACT 1986

Appointment of Chairperson and Members

Veterinary Surgeons Investigating Committee

I, RICHARD AMERY, M.P., Minister for Agriculture pursuant to section 24 (3) of the Veterinary Surgeons Act 1986, has been pleased to appoint the following persons as Chairperson and members of the Veterinary Surgeons Investigating Committee for a term commencing on the date hereof and expiring on 31 December 2002.

Pursuant to section 24(2)(a) Mrs Lorraine SMITH
(As Chairperson)

Pursuant to section 24(2)(b) Dr Theodora KLETSAS

Pursuant to section 24(2)(c) Dr John Phillip
ALEXANDER

Pursuant to section 24(2)(d) Mr Richard Eldred JANE

Pursuant to section 24(2)(e) Mrs Beverley Rita
OAKES

Dated this 10th day of April 2002.

RICHARD AMERY, M.P.,
Minister for Agriculture

VETERINARY SURGEONS ACT 1986

Appointment of Member

Veterinary Surgeons Board

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 5(2) and section 6 of the Veterinary Surgeons Act 1986, has been pleased to make the following appointment of the President and the members of the Board of Veterinary Surgeons of New South Wales for a term commencing on the date hereof and expiring on to 31 December 2002.

Pursuant to section 5(2)(a) Dr Garth McGILVRAY
Dr Ruth THOMPSON
Dr Tanya STEPHENS

Pursuant to section 5(2)(b) Mr Richard JANE
Dr Timothy CRISP

Pursuant to section 5(2)(c) Associate Professor
Nicholas SANGSTER

Pursuant to section 6 Dr Garth McGILVRAY
(President of the Board)

Dated this 10th day of April 2002.

RICHARD AMERY, M.P.,
Minister for Agriculture

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Section 8 – Fishing Closure

Wonboyn River (*County of Auckland*)

I, EDWARD OBEID, prohibit the taking of all shellfish by any person from the whole of the waters known as Wonboyn Lake and Wonboyn River, including the Broadwater, together with all its tributaries upward to its source from its confluence with the waters of the South Pacific Ocean. This prohibition includes the movement or translocation of any species of shellfish by any person from these waters to any other body of water.

Exceptions to this prohibition are specified in the Conditions below.

This prohibition will be effective from 14 April 2002 to 13 May (inclusive).

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

Conditions

Exceptions to this notification are:

1. Oysters that are taken in accordance with the provisions of the Safe Food Shellfish Program,
 2. Oysters that are taken for the purpose of relocation within the waters of Wonboyn River, and
 3. Oysters that are taken for the purpose of culling and returning to the waters of Wonboyn River.
-

FISHERIES MANAGEMENT ACT 1994

Erratum

THE notice published on page 9621 in NSW *Government Gazette* No. 188 of 7 December 2001 regarding a fishing closure in the waters of the Bellinger River, Deep Creek, Hastings River and Kalang River, is hereby corrected by deleting the words “The whole of the waters of Bellinger River, from its confluence with the Pacific Ocean upwards to its source, including Kalang River and all its tributaries, creeks, bays, inlets and lagoons” in the Schedule, and inserting the words “The whole of the waters of Bellinger River, from its confluence with the Pacific Ocean upwards to its source, including Kalang River and all their tributaries, creeks, bays, inlets and lagoons”.

FISHERIES MANAGEMENT ACT 1994

Erratum

THE notice published on page 9621 in NSW *Government Gazette* No. 188 of 7 December 2001 regarding a fishing closure in the waters of the Camden Haven River and Manning River, is hereby corrected by deleting the word “confluence” in the Schedule, and inserting the word “confluences”.

Department of Land and Water Conservation

Land Conservation

ARMIDALE OFFICE

Department of Land and Water Conservation
108 Faulkner Street, Armidale, NSW 2350
Phone: (02) 6772 5488 Fax (02) 6771 5348

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 1

COLUMN 1	COLUMN 2	COLUMN 3
Shirley Patricia SWEEP	Wongwibinda Public Hall and Recreation Reserve Trust	Reserve No. 76613 Public Purpose: Public Hall and Public Recreation Notified: 5 March 1954 File Reference: AE80 R 170/2

For a term commencing the date of this notice and expiring 30 September 2002.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Armidale. Shire: Armidale Dumaresq. Parish: Armidale. County: Sandon. Locality: Armidale. Reserve No.: 86449 Purpose: Public Recreation Date of Notification: 6 October 1967 File No.: AE98H132	Part Lot 2 in unregistered plan excluding closed road, being Lot 7009, D.P. 94240

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 of the undermentioned Western Lands Lease has been altered as shown.

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

*Administrative District – Wentworth; Shire – Wentworth
Parish – Paringi; County – Wentworth*

The purpose of Western Lands Lease 14349 being the land contained within Folio Identifier 1/1035269 has been altered from "Grazing, Cultivation and Orchard" to "Residence and Horticulture" effective from 4 April 2002.

As a consequence of the alteration of purpose annual rental has been determined at \$ 2100.00 for the next five (5) year period of the lease and the conditions previously annexed to such lease have been revoked and the following conditions have been annexed thereto.

**CONDITIONS AND RESERVATIONS ATTACHED TO
WESTERN LANDS LEASE 14349**

- (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 Residence and Horticulture.

- (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 not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (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, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, erect a dwelling on the land in accordance with plans and specifications approved by the Council of the Local Government area.
- (18) 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.
- (19) 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.
- (20) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (21) 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.
- (22) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (23) 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 subsection (6) is complied with.
- (24) 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.
- (25) 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.
- (26) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (27) 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.
- (28) 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.
- (29) 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.
- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.
- (34) The lessee shall comply with the provisions of the Clean Waters Act 1970 particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Coomealla Local Government Area: Wentworth Shire Council Locality: Coomealla Lot 837, D.P. No. 756961 Parish: Mourquong County: Wentworth Area: 28.85 hectares File Reference: WL02R5	Reserve No. 1003148 Public purpose: Cemetery and Crematorium

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

Coomealla Memorial
Gardens Reserve Trust

COLUMN 2

Reserve No.: 1003148
Public Purpose: Cemetery and
Crematorium
Notified: This Day
File No.: WL02R5

**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 reserve referred to in Column 3 of the Schedule.

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

SCHEDULE 1

COLUMN 1

Wentworth Shire
Council

COLUMN 2

Coomealla
Memorial Gardens
Reserve Trust

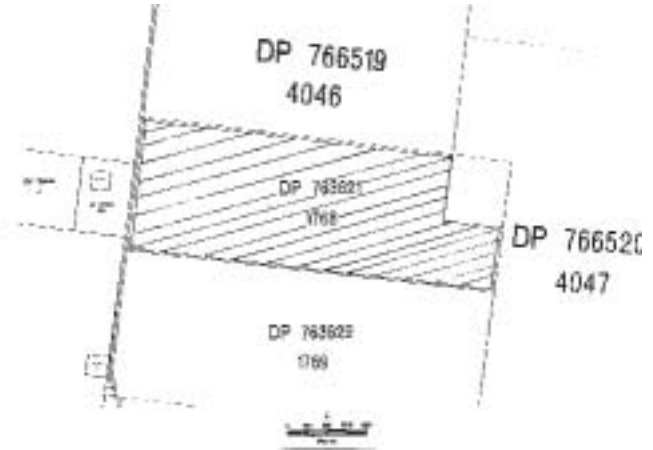
COLUMN 3

Reserve No. 1003148
Public Purpose:
Cemetery and
Crematorium
Notified: This Day
File Reference: WL02R5

For a term commencing this day

ERRATUM

IN the notification appearing in the *Government Gazette* of 5 April 2002, Folio 2157, under the heading Alteration of Purpose of a Western Lands Lease, (being Western Lands Lease 3869) the diagram referred to in "SPECIAL CONDITION No. 1" appears hereunder. File No. WLL 3869.



HAY OFFICE
Department of Land and Water Conservation
126 Lachlan Street (PO Box 182), Hay, NSW 2711
Phone: (02) 6993 1306 Fax: (02) 6993 1135

ROADS ACT 1993

ORDER

Transfer of a Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown land specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder as from the date of this notice and as from that date, the road ceases to be a Crown Road.

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

SCHEDULE 1

*Parish – Moama; County – Cadell;
Land District – Deniliquin; Shire – Murray*

Crown public road 30.175 being Part Winall Street at Moama from the intersection of Holmes Street and extending northerly to the Railway Reserve.

SCHEDULE 2

Roads Authority to whom transferred: The Council of the Shire of Murray.

Council's Reference: 286.

File Reference: HY02 H 13.

GOULBURN OFFICE
Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

Parish – Clyde; County – Wallace;
Land District – Cooma; Shire – Snowy River Council

Description: Lot 9, DP 1035279 (adjacent to north eastern corner of Lot 1, DP 204602).

SCHEDULE 2

Roads Authority: The Council of the Shire of Snowy River. (Council's Reference: 1147). Reference: GB02H58.JK.

NOTIFICATION OF CLOSING OF A 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 is extinguished.

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

Descriptions

Parish – Yarralaw; County – Argyle;
Land District – Goulburn; Council – Mulwaree

Lot 1, DP 1038965 (not being land under Real Property Act). File Reference GB01 H 101:MB

Note: On closing the land in Lot 1, DP 1038965 remains land vested in the Crown as Crown land.

Parish – Yarrowa; County – Camden;
Land District – Moss Vale; Council – Wingecarribee

Lot 1, DP 1039181 (not being land under Real Property Act). File Reference GB01 H 248:MB

Note: On closing the land in Lot 1, DP 1039181, remains land vested in the Crown as Crown land.

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

**ALTERATION OF CORPORATE NAME OF
RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

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

—————
SCHEDULE 1

Coramba Public Recreation And Preservation Of Native Flora Reserve Trust.

—————
SCHEDULE 2

Reserve No. 87204.

Public Purpose: Public Recreation Preservation Of Native Flora.

Notified: 6 June 1969.

File Reference: GF81R338.

—————
SCHEDULE 3

Coramba Recreation Reserve Trust.

NOTIFICATION OF CLOSING OF 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 the previously existed in relation to the road are extinguished.

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

—————
Descriptions

Land District – Bellingen; City – Coffs Harbour

Road Closed: Lot 1, DP 1035109 (not being land under the Real Property Act) at Coffs Harbour, Parish Coff, County Fitzroy. File Reference: GF00 H 396.

Note: On closing, the land within the former road remains land vested in Coffs Harbour City Council as operational land.

—————
Land District – Grafton; Shire – Copmanhurst;

Road closed: Lot 1, DP 1038061, at Yulgilbar, Parish Yulgilbar, County Drake (not being land under the Real Property Act). File No.: GF99 H 292.

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

MAITLAND OFFICE
Department of Land and Water Conservation
Newcastle Road (PO Box 6), East Maitland, NSW 2323
Phone: (02) 4934 2280 Fax: (02) 4934 2252

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
John Bernard WILLIAMS (new member)	Walka Water Works Trust	Reserve No. 97511 Public Purpose: Preservation Of Historical Sites And Buildings Notified: 2 November 1984 File Reference: MD84R44/4

For a term commencing this day and expiring 10 February 2005.

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act, 1993, The Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 cease to be a Crown road.

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

Description

*Land District – Bega; Council – Bega Valley Shire
 Parish – Bega; County – Auckland*

SCHEDULE 1

The Crown public roads about 3 kilometres north east of Bega, (1) known as Corridgeree Lane adjoining the northern boundaries of Lot 221, DP 700941 and Lot 140, DP 1029665 and southern boundary of Lot 93, DP 750190 and (2) adjoining the western boundaries of Lot 140, DP 1029665 and Lot 13, DP 852109 and northern boundary of Lot 121, DP 750190. Reference NA01H162.

SCHEDULE 2

Roads Authority: Bega Valley Shire Council.
 Reference .94.1402.

ROADS ACT, 1993

Order

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act, 1993, The Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 cease to be a Crown road.

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

Description

*Land District – Bega; Council – Bega Valley Shire;
 Parish – Pambula; County – Auckland*

SCHEDULE 1

The Crown public roads at Pambula known as Bega Street and Oregon Street adjoining the northern and western boundaries of Section 15, DP 758825, including the north eastern and north western intersections. Reference: NA02H11.

SCHEDULE 2

Roads Authority: Bega Valley Shire Council.

**NOTIFICATION UNDER THE ROADS ACT 1993, OF
 SETTING ASIDE OF UNOCCUPIED CROWN LANDS
 AS ROAD, AND OF DECLARATION OF ROADS TO
 BE PUBLIC ROADS.**

IN pursuance of the provisions of the Roads Act 1993 the unoccupied Crown Lands specified are set aside as road and, is dedicated as public road and dedicated to the public accordingly.

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

Description

*Parish – Moruya; County – Dampier;
 Land District – Moruya;
 Local Government Area – Eurobodalla Shire*

Unoccupied Crown land set aside for road: Lot 5, DP 239807. File No.: NA02H17

Note: Lot 1, DP 239807 is declared to be a Council public road. Council Reference: 01.5671S.

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

ASSIGNMENT OF A NAME TO A RESERVE TRUST

PURSUANT to clause 4 (3) of Schedule 8 of 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
 Minister for Fair Trading

SCHEDULE

COLUMN 1

Forbes Shire Active
 Recreation Areas
 Reserve Trust

COLUMN 2

Reserve No. 85815
 Public Purpose: Public Recreation
 Notified: 27 May 1966
 Parish: Bundaburrah
 County: Forbes
 Lot Sec. D.P. No.
 7007 * 752933#
 8 * 752933
 File Reference: OE94A5/1

Note: The above Lot numbers marked # are for Departmental use only.

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 road 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 of Bathurst and LGA – Evans Shire

Proposed closing of part of the public road (part Eusdale Road) south-east of Lot 2, DP 631161 and Lot 36, DP 239011, Parish of Eusdale, 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: OE02H98.

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
Level 12, Macquarie Tower 10 Valentine Avenue, Parramatta NSW 2124
(PO Box 3935, Parramatta NSW 2124
Phone: (02) 9895 7657 Fax: (02) 9895 6227

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

—————
 SCHEDULE

COLUMN 1	COLUMN 2
Ashford Reserve (R61699) Reserve Trust	Reserve No. 61699 at Bankstown notified for Public Recreation on 21 February 1930. File No.: MN99R35

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
Olympic Drive (R100078) Reserve Trust	Reserve 100078 at Milsons Point notified for the purpose of public recreation on 2 January 1987. File No.: MN02R0004

APPOINTMENT OF CORPORATION TO MANAGE A 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 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
North Sydney Council	Olympic Drive (R100078) Reserve Trust	Reserve 100078 at Milsons Point notified for the purpose of Public Recreation on 2 January 1987. File No.: MN02R0004

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 from:

Murray River Valley

MILDURA PHARMACEUTICAL DISTRIBUTORS PTY LTD for 1 pump on the Murray River, Lot 34, Parish of Walkminga, County of Tara, (Nampoo Station) for water supply for domestic purposes and for irrigation of 18.16 hectares (replacement licence – due to an addition of a diversion pipe and increase in pump size.) In lieu of notice appearing in the *Government Gazette* No. 59 dated 14th May, 1999. (Reference: 60SL085170) (GA2:499515).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363, 32 Enterprise Way, BURONGA NSW 2739
Phone: (03) 5021 9400

WATER ACT 1912

APPLICATIONS under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received as follows:

Macquarie River Valley

Dudley Frederick Joseph BEUZEVILLE and Sharon Elizabeth BEUZEVILLE for a dam and a pump on Eldorado Gully, Lot 103, DP 1003870, Parish of Clinton, County of Bathurst for conservation of water and water supply for stock and domestic purposes (new licence) (80SL96029).

Edwin Winston BLOWES for a pump on the Bell River, Easement within Lot 102, DP 1017599, Parish of Copper Hill, County of Wellington for water supply for stock and domestic purposes (new licence) (80SL96030).

David William RINGLAND and Heather Jean RINGLAND for 4 pumps on the Macquarie River, Lots 7, 16 and 21, DP 752572, Parish of Coolbaggie, County of Ewenmar for irrigation of 100.5 hectares (wheat, barley, lucerne, corn) (combining and replacing existing entitlement due to permanent transfer) (80SL96031) (GA2: 306564).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

Any inquiries regarding the above should be directed to the undersigned (telephone 68 842 560).

FRED HUNDY,
Water Access Manager, Macquarie

Department of Land and Water Conservation
PO Box 717, DUBBO NSW 2830

WATER ACT 1912 Under Section 22B

Notice of Withdrawal of Pumping Suspensions

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS announced on 17 January 2002 under section 22B of the Water Act 1912 relating to Buckra Bendinni and South Creeks and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping suspensions and restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses. (GA2:343331)

Dated this 4 April 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region, GRAFTON

WATER ACT 1912 Under Section 22B

Notice of Withdrawal of Pumping Suspensions

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS AND RESTRICTIONS announced on 23 March 2002 and 30 March 2002 under section 22B of the Water Act 1912 relating to Tweed, Oxley and Rous Rivers and Bilambil, Duroby, Cobaki and Hopping Dicks Creeks and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping suspensions and restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses. (GA2:343330)

Dated this 4 April 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region, GRAFTON

WATER ACT 1912 Under Section 22B

Notice of Withdrawal of Pumping Suspensions

Acacia and Koreelah Creeks and their Tributaries

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS under section 22B of the Water Act 1912 relating to Acacia and Koreelah Creeks and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping suspensions so imposed are now cancelled. Diversion of

water must however be undertaken in accordance with the conditions of individual licenses.

Dated this 10th day of April 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region, GRAFTON

WATER ACT 1912

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

Murrumbidgee Valley

Stephen John and Karen Jane GIBBS for a bore on a road reserve in the subdivision of Lot 185, DP 754912, Parish of Tuggeranong, County of Murray for a water supply for domestic purposes to serve Lots 4, 5 and 7 in the "Moringol" (Gibbs Rural Residential Subdivision). New License. (Reference: 40BL188680).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 10th May, 2002 as prescribed by the Act.

S. F. WEBB ,
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156, LEETON NSW 2705

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 licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received as follows:

Murrumbidgee Valley

Darren James DOWLING for a pump on Gilmore Creek, Lot 1, DP 774802, Parish of Gilmore, County of Wynyard for a water supply for stock purposes and irrigation of 1.67 Hectares (pasture). Licence application as a result of a property subdivision. (Reference:40SL70767).

Gillian Hamilton LEEDS for a pump on Yanco Creek, Lot 3, DP 756396, Parish of Broome, County of Urana for irrigation of 162 hectares (pasture and cereal Crops). Replacement licence to include an additional pump only. (Reference: 40SL70774).

Stephen John and Karen Jane GIBBS for four hillside dams of 0.75 ML each for conservation of water for water supply for stock and domestic purposes to four lots of the proposed 10 lot "Moringol"(Gibbs) Rural Residential Subdivision, Lot 185, DP 754912, Parish of Tuggeranong, County of Murray. New Licences. 40SL70770, 40SL70771, 40SL70772, 40SL70773.

J. A. and B. M. BOWDEN & SONS PTY LTD for two bywash dams and three pumps on an Unnamed Watercourse, Lot 2, DP 559620 and Lot 3, DP 776492, Parish of Hillas, County of Wynyard, for the conservation of water irrigation of 50 hectares of orchard. New License, allocation by way of permanent water transfer. Reference: 40SL70766.

Brian Harold SHORE for a pump Gilmore Creek, Lot 1, DP 748389, Parish of Gilmore, County of Wynyard, for irrigation of approximately 5 hectares (lucerne, pastures). New License, allocation by way of permanent water transfer of 20 megalitres. Reference: 40SL70723.

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6953 0700).

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 twenty-eight (28) days as fixed by the Act.

S. F. WEBB ,
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156, LEETON NSW 2705

WATER ACT 1912

APPLICATIONS for licences under section 10 of Part 2 of the Water Act have been received as follows:

UPPER HUNTER MOTOR CYCLE CLUB INC for a pump on the Hunter River on Part Lot 4/806947 Parish of Rouchel, County of Durham, to supply water for recreation purposes. (Permanent water transfer) (20SL060991).

Bernard James HASSETT for a pump on the Goulburn River on Lot 1/781226, Parish of Bureen, County of Hunter, for irrigation of 15 hectares. (Improved pasture; replacement license; permanent water transfer) (20SL060985).

Patrick John and Shirley Margaret FEENEY for a pump on the Hunter River on Part Lot 3/33278, Parish of Althorpe, County of Durham, to supply water for stock and domestic purposes and irrigation of 16 hectares. (Improved pasture; splitting of existing license; no increase in entitlement) (20SL060980).

Victoria CONEYBEARE for a pump on Wybong Creek on Lot 2/837808, Parish of Denman, County of Brisbane and on Lot 2/837808, Parish of Yarraman, County of Brisbane, for the irrigation of 3 hectares. (Improved pasture; new license; permanent water transfer) (20SL060978).

SHANE VICTOR HARDY for a pump on the Wybong Creek on Lot 55/1034185, Parish of Denman, County of Brisbane, for the irrigation of 6 hectares. (Improved pasture; splitting of existing license) (20SL060977).

Vicki and Chris MANN for two pumps on the Hunter River Lot 215/720673 and Lot PT5/750924, Parish of Denman, County of Brisbane, for the irrigation of 58 hectares. (Improved pasture; replacement license; permanent water transfer) (20SL060966).

Carole Lesley and Stuart William GRIFFITHS for a pump on Sandy Creek on Part Lot 22/556032, Parish of Russell, County of Durham, to supply for stock and domestic purposes. (New license) (20SL060973).

Olive Beverly and Thomas James O'BRIEN for two pumps on the Hunter River on Lot 7/844651, Parish of Russell, County of Durham, to supply water for aquaculture purposes and irrigation of 32 hectares. (Improved pasture; replacement license; no increase in entitlement) (20SL060994).

Dennis Angus GIVNEY for a pump on Sandy Creek on Part Lot 1/1012622 Parish of Rowan, County of Durham, to supply water for domestic purposes. (New license) (20SL060996).

Andrew and Sarah WINDYBANK for a pump on the Goulburn River on Lot 1/703596, Parish of Baerami, County of Hunter, for irrigation of 23 hectares. (Improved pasture, Olive trees, Grape vines; replacement license; permanent water transfer) (20SL060965).

SINGLETON SHIRE COUNCIL for a pumping plant on the Hunter River on Part Lot 1/234710 Parish of Wambo, County of Hunter, to supply town water to the village of Jerrys Plains. (Town water supply) (20SL061000).

Greg NEWELL for a pump on the Manning River on Lot 5/1024308, Parish of Wyoming, County of Macquarie, for irrigation of 40 hectares. (Improved pasture; new license) (20SL061001).

Julia and Michael GALLAGHER for a pump on the Manning River on Lot 5/1013586 Parish of Killawarra, County of Macquarie, for irrigation of 8 hectares. (Improved pasture; new license) (20SL061002).

NOXOMO PTY LTD for an earthen bywash dam and pump on an unnamed watercourse on Lot 111/877062, Parish of Bohnock, County of Gloucester, for the conservation of water and irrigation of 4 hectares. (Garden and Turf; new license) (20SL060998).

Kerrie-Anne and Mark Alexander KEAN for a pump on Middle Brook on Part Crown Road South of Lot 531/573018, Parish of Melbourne, County of Brisbane, to supply water for stock and domestic purposes. (New license) (20SL060968).

Michael John and Marybelle Elizabeth SMITH for a pump on Lake Glenbawn on Part Lot 56/750912, Parish of Alma, County of Brisbane, for water supply for stock and domestic purposes. (New license) (20SL060972).

Frank MULHERON for a pump on the Hunter River on Part Road south of Lot 1/758700, Parish of Castle Sempill, County of Brisbane, to supply water for domestic purposes. (New license) (20SL060970).

CANONBAR INVESTMENTS PTY LTD for a pump on the Isis River on Lot 3/865380, Parish of Isis, County of Brisbane, for irrigation of 6 hectares. (Improved pasture; new license; permanent water transfer) (20SL060988).

GREAT LAKES AGGREGATES PTY LTD for an earthen bywash dam and pump on an unnamed watercourse on Lot 1/830075, Parish of Tuncurry, County of Gloucester, for the conservation and supply of water for industrial (gravel quarry) purposes. (New license) (20SL060884).

Christine and Russell PLESKANCZAK for a pump on the Barnard River on Part Crown Land Fronting Lot 132/41489, Parish of Woko, County of Hawes, for irrigation of 8 hectares. (Improved Pasture; new license) (20SL060997)

Gary John YATES for a pump on the Manning River on Part Lots 141/704837 and 142/704837, and Lot 102/753721, Parish of Woko, County of Hawes, for irrigation of 20 hectares. (Improved pasture; new license) (20SL060891)

APPLICATIONS for licences under section 10 of Part 2 of the Water Act have been received as follows (this results from the water amnesty process):

Rodney SANSOM for two pumps, one on the Avon River on Lots 3/116336, 4/116336 and 5/116336, Parish of Avon, County of Gloucester, and a pump on an unnamed watercourse on Lot 5/116336, Parish of Avon, County of Gloucester, to supply water for farming (dairy) purposes and irrigation of 10 hectares. (20SL060989)

Des HOPSON for a pump on the Williams River on Lot 2/170993, Parish of Underbank, County of Durham, to supply water for farming (dairy) purposes and water supply to the occupier of Lot 2/548362 for stock and domestic purposes. (20SL060922)

Any enquiries regarding the above should be directed to the undersigned, on telephone number (02) 4934 4840.

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

BRIAN McDOUGALL,
Senior Natural Resource Project Officer
Hunter Region

Department of Land and Water Conservation
PO Box 6, EAST MAITLAND NSW 2323

WATER ACT 1912

AN APPLICATION for a license, under the section 10 of Part 2 of the Water Act 1912, as amended, has been received from:

Gordon Ferguson and Krystine Marie TAYLOR for a pump on the Colo River, 1/800949, Parish of Meehan, County of Cook for the irrigation of 3 hectares (vegetables) (water allocation 18 megalitres) (Part replacing 10SL55456 – due to subdivision – no increase in area) (Reference:10SL56422) (GA2:462908) (Not subject to the 1995 Hawkesbury Nepean Embargo).

Any inquiries regarding the above should be directed to the undersigned (Phone: 9895 7780).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,
Acting Natural Resource Project Officer
Sydney/South Coast Region

Department of Land and Water Conservation
PO Box 3935, PARRAMATTA NSW 2124

WATER ACT 1912

AN APPLICATION for licences, under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Edward and Maria SEITZ for a pump on Wandella Creek being Part 1004/703196, Parish of Wandella, County of

Dampier for water supply for domestic purposes (New Licence) (Reference:10SL56419) (GA2:509136).

Raymond Anthony STEWART for a diversion pipe on an Unnamed Watercourse being Part 2/263460, Parish of Mogila, County of Auckland for the irrigation of 4 hectares (Pasture) and Industrial (Power Generation) purposes (Replacement licence – No increase in area)(Addition to purpose) (Reference: 10SL56370) (GA2:509140).

Daryl Roy and Bronwyn Joy COOK for a dam and pump on an Unnamed Watercourse being 2/837656, Parish of Yowaka, County of Auckland for the conservation of water and the irrigation of 3.5 hectares (Turf) (New Licence) (Reference: 10SL56368) (GA2:509138).

Inge BETZ for a pump on the Towamba River being Part 3/629777, Parish of Towamba, County of Auckland for water supply for domestic purposes.(New Licence) (Reference: 10SL56375)(GA2:509141).

Any inquiries regarding the above should be directed to the undersigned (Phone: 9895 7780).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,
Acting Natural Resource Project Officer
Sydney/South Coast Region

Department of Land and Water Conservation
PO Box 3935, PARRAMATTA NSW 2124

WATER ACT 1912

AN APPLICATION for a license, under the section 20 of Part 2 of the Water Act, 1912, as amended, has been received from:

Barry John and Heidi Marie GRANT and others for a pump on Bega River being Part 7/740678, Parish of Meringo, County of Auckland for water supply for domestic purposes (New Licence) (Reference: 10SA2526) (GA2:509135).

Any inquiries regarding the above should be directed to the undersigned (Phone: 9895 7780).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,
Acting Natural Resource Project Officer
Sydney/South Coast Region

Department of Land and Water Conservation
PO Box 3935, PARRAMATTA NSW 2124

WATER ACT 1912

AN APPLICATION under Part 2, being within a proclaimed (declared) local area under section 20E(2) of the Water Act, 1912, as amended.

An application for an Amended Authority or a Joint Water Supply Scheme within a proclaimed local area as generally described hereunder has been received from:

Gwydir River Valley

Peter Glen CAMPBELL and BEELA PTY LTD for two pumps on Carole Creek on Lot 4/253733, Parish of Boonoon, County of Benarba for irrigation of 405 hectares (cotton). This amendment has been necessitated by the permanent transfer of 243 hectares from “Beela” to “Lower Box”. L.O. Papers 90SA011659. GA2:493709.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department’s Manager, Resource Access, Tamworth within 28 days as specified in the Act

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340

WATER ACT 1912

AN application under Part 8, being within a Proclaimed (declared) Local Area under section 5(4) of the Water Act.

An application for Approval of a Controlled Work under section 167 within the Proclaimed (declared) Local Area described hereunder has been received as from:

Namoi River Valley

David HAIRE, Carmel HAIRE and Damien HAIRE for controlled works consisting of a water storage, existing and proposed head ditches, tail return drains and supply channels on the Upper Cox’s Creek Floodplain on Lot 30/755521 and Lot 31/755521 and Crown Roads, Parish of Tamarang, County of Pottinger on the property known as “Argyle” for irrigation development on the floodplain. Ref: 90CW810904.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the Proclaimed Area, whose interest may be affected must be lodged with the Department’s Resource Access Manager at Tamworth by 10th May 2002.

A report and a detailed plan of the works referred to in the above application may be viewed at the Tamworth or Gunnedah offices of the Department of Land and Water Conservation.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550 TAMWORTH NSW 2340

WATER ACT 1912

AN APPLICATION under Part 8, being within a Proclaimed (declared) Local Area under section 5 (4) of the Water Act.

An application for Approval of a Controlled Work under section 167 within the Proclaimed (declared) Local Area described hereunder has been received from:

Lower Gwydir River Valley

Glen Francis HUMPHRIES and Viki Helen HUMPHRIES for Controlled Works (erathworks, embankments or levees)

on the Lower Gwydir floodplain on Lots 3/251670, 4/251670, 5/251670, 12/252670, 27/756012, 29/756012, 30/756012, 34/756012, 35/756012, 72/756012, 81/756012, Parish of Moppin, Lot 1/586659, Roads and Closed Roads, Parish of Medgun, County of Courallie on the property known as "Watervale" for prevention of inundation of land and irrigation and/or drainage development on the floodplain and conservation of water. Reference: 90CW810874. GA2493704.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the Proclaimed Area, whose interest may be affected must be lodged with the Department's Resource Access Manager at Tamworth by 10th May 2002.

A report and a detailed plan of the works referred to in the above application may be viewed at the Moree office of the Department of Land and Water Conservation.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340

WATER ACT 1912

Election of Two Trustees

Gil Gil, Bogamildi and Milroy Bore Water Trusts

FRIDAY, 1st June 2002, is the date for the holding of an election for two Trustees for the subject Trusts, with nominations closing on Friday, 11th May, 2002 with the Secretary. The Trust Office, Criterion Centre, Moree is the polling place. (GA2:493711).

A. M. HALL,
Senior Natural Resource Project Officer

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340

Department of Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(C90-0865)

Authorisation No. 435, COAL AND ALLIED OPERATIONS PTY LIMITED (ACN 000 023 656), area of 79 hectares. Application for renewal received 5 April, 2002.

(C96-2322)

Exploration Licence No. 5417, COAL AND ALLIED OPERATIONS PTY LIMITED (ACN 000 023 656), area of 193 hectares. Application for renewal received 5 April, 2002.

(C97-2030)

Exploration Licence No. 5418, COAL AND ALLIED OPERATIONS PTY LIMITED (ACN 000 023 656), area of 54 hectares. Application for renewal received 5 April, 2002.

(T99-0230)

Exploration Licence No. 5720, GOLDRAP PTY LTD (ACN 059 731 636), area of 81 units. Application for renewal received 2 April, 2002.

(T00-0020)

Exploration Licence No. 5760, LFB RESOURCES NL (ACN 073 478 574), area of 47 units. Application for renewal received 28 March, 2002.

(T02-0219)

Mining Lease No. 1066 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LIMITED (ACN 000 393 135), area of 220.22 hectares. Application for renewal received 26 March, 2002.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T96-1139)

Exploration Licence No. 5207, HERALD RESOURCES LIMITED (ACN 008 672 071), County of Westmoreland, Map Sheet (8830), area of 1 unit, for a further term until 27 June, 2003. Renewal effective on and from 3 April, 2002.

(T94-0246)

Exploration Licence No. 5242, HERALD RESOURCES LIMITED (ACN 008 672 071), Counties of Bathurst, Georgiana and Westmoreland, Map Sheet (8830), area of 87 units, for a further term until 27 June, 2003. Renewal effective on and from 3 April, 2002.

(T98-1045)

Exploration Licence No. 5541, TEOPLACE PTY LIMITED (ACN 081 730 903), Counties of Buccleuch and Wynyard, Map Sheet (8527), area of 28 units, for a further term until 24 November, 2003. Renewal effective on and from 26 March, 2002.

(T86-0335)

Exploration (Prospecting) Licence No. 1103, ROBERT PATRICK HEWETT, County of Hawes, Map Sheet (9234), area of 4 units, for a further term until 30 January, 2004. Renewal effective on and from 26 March, 2002.

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

WITHDRAWAL OF AN APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been withdrawn:

(T98-1646)

Mining Lease No. 761 (Act 1973), DAVID BRANDON WILSON AND KAY FLORENCE WILSON, Parish of Swamp Oak, County of Arrawatta, Map Sheet (9138-1-S), area of 17.97 hectares. The authority ceased to have effect on 28 March, 2002.

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

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T99-0148)

Exploration Licence No. 5656, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Blaxland and County of Cunningham, Map Sheet (8231, 8232), area of 13 units. Cancellation took effect on 14 March, 2002.

(T00-0132)

Exploration Licence No. 5805, KINGS MINERALS NL (ACN 006 381 684), County of Courallie, County of Jamison and County of Nandewar, Map Sheet (8837, 8937), area of 87 units. Cancellation took effect on 2 April, 2002.

(T99-0210)

Exploration Licence No. 5808, ANOTHESAUROS PTY LTD (ACN 002 601 907), County of Inglis and County of Vernon, Map Sheet (9135, 9136, 9235), area of 17 units. Cancellation took effect on 25 March, 2002.

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

Department of Planning

Blacktown Local Environmental Plan 1988 (Amendment No 143)

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*. (P96/00210/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Department of Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 143)

Blacktown Local Environmental Plan 1988 (Amendment No 143)

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 143)*.

2 Aims of plan

This plan aims:

- (a) to conserve the environmental heritage of the City of Blacktown, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items, and
- (c) to ensure that any development does not adversely affect the heritage significance of heritage items and their settings.

3 Land to which plan applies

This plan applies to all land within the City of Blacktown under *Blacktown Local Environmental Plan 1988*.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Part 3 Special provisions

Omit Division 3 from the Part. Insert instead:

Division 3 Heritage

13 Definitions

In this Division:

conservation management plan means a document prepared in accordance with the NSW Heritage Office that establishes the heritage significance of a heritage item and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

demolish a heritage item means wholly or partly destroy, dismantle or deface the heritage item.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means any building, work, archaeological site, tree or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 2.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

maintenance means the ongoing protective care of a heritage item. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of Blacktown and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material (which may consist of human remains) of any age relating to Aboriginal habitation of the City of Blacktown.

14 Protection of heritage items and relics**(1) When is consent required?**

The following development may only be carried out with development consent:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item or relic 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) moving any relic, or excavating land and discovering, exposing or moving a relic,
- (e) erecting a building on, or subdividing, land on which a heritage item is located.

(2) What exceptions are there?

Development consent is not required under 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 relic, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item, and
- (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 required by this plan.

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

-
- (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:
- (a) the creation of a new grave or monument,
 - (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.
- (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 for development that would affect a heritage item are:
- (a) the heritage significance of the item as part of the environmental heritage of the City of Blacktown, and
 - (b) 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
 - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (d) whether any archaeological site would be adversely affected by the proposed development, and
 - (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

15 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item,
- (b) the carrying out of any development allowed by clause 16B.

16 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item of State significance, as identified in the State Heritage Register under the *Heritage Act 1977*, 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.

16A Development in the vicinity of heritage items

- (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 item.
- (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.
- (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.

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

16B 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
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed 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 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.

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Heritage items

(Clause 13)

Blackett

Community Centre—*Rutherglen*—Lot 29, DP 242200, Sorenson Crescent

Blacktown

House—Lot 27, Section Q, DP 2161, Clifton Street

House—Lot 28, DP 1003961, Clifton Street

House—Lot 12, DP 627441, Erith Street

Former *Blacktown Primary School*—Lot 32, DP 834989, Flushcombe Road

House—Lot 2, DP 25202, Harold Street

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

Gates—Lot 21, DP 28651, Public Reserve, Lancelot Street
House—Lot 2, DP 218697, Lyton Street
House—*Dayton House*—Lots 1 and 2, DP 711182, Roger Place
House—Lot 30, Section K, DP 2161, Sarsfield Street
House—Lot 4, DP 20921, Sarsfield Street
House—Lot 17, Section R, DP 2161, Wallace Street

Doonside

House—Lot A, DP 337219, Earle Street
House—*Hill End*—Lot 4, DP 418184, Hill End Road
House—Lot 3, DP 773651, Hill End Road
House—*Ellalong*—Lot 8, DP 233682, Lindsay Place

Eastern Creek

House—*Southridge*—Lot 1, DP 233539, Old Wallgrove Road

Glenwood

House—*Glenwood*—Lot 2009, DP 831033, Glenwood Park Drive
House—Part of Lot 1, DP 1032672, Old Windsor Road

Great Western Highway

Seven Milestones along the Highway at Prospect, Huntingwood,
Minchinbury and Mount Druitt

Kellyville

House—*Merriville*—Lot 11, DP 828440, Vinegar Hill Road
Place—*Battle of Vinegar Hill*—Part of Lot 2, DP 129670, Windsor Road

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

Kings Park

Church—*St Anthony's*—Lot 12, DP 878160, Bowmans Road

Marayong

Church—Part of Lot 1, DP 776855, Quakers Road

Marsden Park

House—Part of Lot 13, DP 1358, Clifton Street

School Building—Lot 1, DP 911095, Garfield Road West

Hall—Lot 1, DP 744370, Grange Avenue

House and Farm Buildings—*Clydesdale*—Lot 2, DP 260476, Richmond Road

Cemetery—*St Phillip's Church Cemetery*—Part of Lot 1, DP 584309, Richmond Road

House—Part of Lot 1, DP 861978, Vine Street

Minchinbury

Trees—*Rows of Olives*—Lots 9118 and 9119, DP 730969 and Lot 8078, DP 732456, Minchin Drive

Former Winery—*Minchinbury Winery*—Lot 108, DP 1025949, Minchin Drive

Mount Drutt

School Building—*Colyton Public School*—Part of Lot 1, DP 540163, Great Western Highway

House—former Schoolmaster's Residence—Part of Lot 1, DP 540163, Great Western Highway

House—*Neoblie*—Lots 1–5, DP 34648, Great Western Highway

Place—Mount Drutt Waterholes—Lot 1, DP 90408 and Lot 19, DP 242102, Simpson Hill Road and Great Western Highway

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

House—former Mount Druitt Stationmaster's Residence—Lots 1 and 3, DP 739940, Mount Druitt Road

House—*Burns House*—Lot 4, DP 32319, Mount Druitt Road

Hall—*Mount Druitt Hall*—Lots 1 and 2, Section 5, DP 1128, Mount Druitt Road

Church—*Bethel Assembly Church*—Lot 2, DP 510439, Mount Druitt Road

Church—Lot 1, DP 953447, Mount Druitt Road

House—*Malmo*—Part of Lot 201, DP 845114, Railway Street

House—*Howard Villa*—Lot 7, DP 598310, Ropes Creek Road

House—*The Manse*—Part of Lot X, DP 412362, The Avenue

Oakhurst

House—*The Oaks*—Lot 2, DP 235677, Hanna Place

Archaeological site—Native Institution Site—Part of Lot 5001, DP 869400, Rooty Hill Road North

Parklea

House—*Meurants Cottage*—Lot 52, DP 869799 and Lot 5028, DP 883517, Meurants Lane

House—Part of Lot 606, DP 1015876, Meurants Lane

Road—Old Windsor Road 40 metres south of Meurants Lane to the proposed Castlereagh Freeway and from Caddies Creek 280 metres southward

Plumpton

House—*Lozells*—Lot 150, DP 132836, Cannery Road

House—*Woodstock*—Lots 423 and 428, DP 812674, Hobson and Dexter Places

School Building—*Plumpton Primary School*—Part of Lot 10, DP 842747, Rooty Hill Road North

House—Part of Lot 31, DP 709050, Rooty Hill Road North

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

House—*Alroy*—Lot 11, DP 1024861, Rooty Hill Road North

Prospect

Electricity Substation—Lots 21 and 22, DP 14084, Blacktown Road

Electricity Substation—Lot 1, DP 327465, Blacktown Road

House and Original School Building—Part of Lot 1, DP 794271, Blacktown Road

Church and Cemetery—*St Bartholomew's*—Lots 221–224, DP 812455 and Lot 1, DP 325874, Ponds Road

Veteran Hall—Part of Pt Lot 1, DP 1031817, Reservoir Road

Prospect Reservoir Group—Pt Lots 1 and 2, DP 1031817, Reservoir Road, comprising:

Upper Valve House and Lower Valve House

Pincott's Roller

The Landscape

Inn—*Royal Cricketer's Arms Inn*—Lot 111, DP 839532, Reservoir Road

House—Lot C, DP 374323, Reservoir Road

House—Lot 140, DP 1003460, Tarlington Place

Quakers Hill

Church—*Norwest Community Church*—Lot 1, DP 168238, corner of Douglas and Eastern Roads

Riverstone

House—Lot 3, DP 100111, Bourke Street

House—Lots 14 and 15, DP 1396, Bourke Street

House—*Hebe Farm*—Part of Lot 1, DP 527115, Bridge Street

House—Lot 3, DP 204466, Church Street

House—*Nu Welwyn*—Part of Lot 5, DP 229296, Clarke Street

House—Lot 11A, DP 322406, Crown Street

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

Police Station—Part of Lot 2, DP 546708, Elizabeth Street

Church—*St Paul's Anglican Church*—Lot 23, Section C, DP 712, Elizabeth Street

House—Lot 1, DP 627842, Elizabeth Street

House—Lot D, DP 413564, Elizabeth Street

House—*Redgate*—Part of Lot 38, DP 2518, Farm Road

Shops—*Parrington Terrace*—Lot 39, DP 864977 and Lots 4 and 5, DP 261340, Garfield Road East

Church—*St Andrew's Uniting Church*—Lot 2, DP 615353, Garfield Road East

House and Shop—Lots 11 and 12, DP 1444, Garfield Road East

Former *Riverstone Public School*—Part of Lots 22–26, DP 1444, corner of Piccadilly Street and Garfield Road East

Bicentennial Museum—formerly Public School, then Masonic Hall—Part of Lot 2, DP 588227, Garfield Road East

Church—*St John's Catholic Church*—Part of Lot 20, Section N, DP 712, Garfield Road East

Convent—Part of Lots 1–6, DP 100377 and Lots 13–18, DP 1342, Garfield Road East

House—*Rosebank*—Part of Lot 5, DP 788571, Garfield Road East

House—Lot A, DP 335882, Garfield Road East

Shop—former Butcher's Shop—Part of Lot 10, DP 736235, Garfield Road West

Cemetery—*Riverstone General Cemetery*—Garfield Road West

House and Slab Cottage—Lots 17, 18 and 22, Section 16, DP 1477, Garfield Road West

House—Lot 2, DP 873546, George Street

House—Lot 1, DP 302145, King Street

House—Lot 2, DP 302145, King Street

House—Lot Y, DP 396795, Park Street

Slab Building—*Riverstone High School*—Part of Lot 1, DP 800352, Regent Street

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Amendments

Schedule 1

House—Lot 202, DP 831414, Regent Street

House—Part of Lot 211, DP 830505, No 7 Richards Avenue

House—Part of Lot 211, DP 830505, No 17 Richards Avenue

Group of Workers' Cottages—Part of Lot 211, DP 830505, Nos 23, 25, 27, 29, 31, 33, 37, 39, 43, 45, 47 and 49 Richards Avenue

House—former Stationmaster's Residence—corner of Garfield Road East and Riverstone Parade

War Memorial—Riverstone Parade

Railway Station Group—Riverstone Parade

House—*Cassola*—Part of Lot 19, Section F, DP 712, Riverstone Road

House—Lot 1, DP 525268, Riverstone Road

House—*Warrawong*—Part of Lot 15, Section P, DP 712, Riverstone Road

House—Lot 1, DP 502547, West Parade

Rooty Hill

Archaeological site—Ruins of the Government Depot—Part of Lot 36, DP 8995, Dunsmore Street

House—*Fairholme*—(now part of *St Agnes High School*)—Part of Lot 2, DP 579138, Evans Road

House—Lot 34, DP 239092, Mary Street

House—Lot D, DP 406713, Perkins Street

Hotel—*Imperial Hotel*—Lot 1, DP 865716, Rooty Hill Road North

House—Lot 2, DP 549533, Rooty Hill Road North

Hall—*School of Arts*—Lot 1, DP 922399, Rooty Hill Road South

House—Lot 17, DP 658117, Rooty Hill Road South

House—*Belvedere*—Lot 2, DP 135775, Rooty Hill Road South

Church—*Pioneer Memorial Church*—Land in DP 909138, Rooty Hill Road South

House—*Watts Cottage*—Lot 3, DP 624197, Watt Street

Blacktown Local Environmental Plan 1988 (Amendment No 143)

Schedule 1 Amendments

Rouse Hill

House and other Buildings—*Rouse Hill*—Lot 1, DP 815213, Windsor Road

Seven Hills

House—*Fairholme*—Lot 102, DP 631570, First Avenue

School Building—*Meadows Public School*—Lot 34, Section 12, DP 2360, Fuller Street

Two Weatherboard School Buildings—*Seven Hills North Public School*—Part of Lot 221, DP 752051, Seven Hills Road

Church, Rectory and Hall—formerly St Andrew's Church Group—Lot 1, DP 338023 and Lot 1, DP 778916, Seven Hills Road

House—Lot 31, DP 619883, Seven Hills Road

House—*Leslie View*—Lot 4, DP 215037, Seven Hills Road South

House—*Melrose*—Lot 361, DP 48686, Seven Hills Road South

House—Part of Lot 362, DP 48686, Seven Hills Road South

House—*Four Oaks*—Lot 2, DP 30173, Solander Road

Burwood Local Environmental Plan No 35

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*. (R97/00047/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1

Burwood Local Environmental Plan No 35

Burwood Local Environmental Plan No 35

1 Name of plan

This plan is *Burwood Local Environmental Plan No 35*.

2 Aims of plan

This plan aims to:

- (a) establish new planning controls and rationalise existing planning controls to provide for an overall increase in potential housing stock and for the development of a wider choice of housing forms, and
- (b) ensure that good urban design is a feature of all new development commensurate with the overall character of the local government area of Burwood, and
- (c) ensure opportunities for an increase in housing stock in “streetscape” Conservation Areas whilst maintaining the integrity and significance of Conservation Areas throughout the area, and
- (d) facilitate the preparation of a development control plan to provide greater flexibility by omitting certain development standards from the *Burwood Planning Scheme Ordinance*, and
- (e) permit residential development of certain land reserved for local road widening, and
- (f) permit mixed development in the Business Special Zone and to increase the floor space ratio permissible in this zone to accommodate this type of development, and
- (g) provide greater certainty for developers by including height limit as a development standard in the *Burwood Planning Scheme Ordinance*.

3 Land to which plan applies

This plan applies to all land within Burwood Council’s area.

4 Amendment of Burwood Planning Scheme Ordinance

The *Burwood Planning Scheme Ordinance* is amended as set out in Schedule 1.

Page 2

Burwood Local Environmental Plan No 35

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Omit the definition of *storey* in clause 4 (1). Insert instead:

storey means any floor used or capable of being used as a dwelling or commercial premises other than:

- (a) a floor used principally for storage, or
- (b) a floor used wholly or partly for parking substantially below natural ground level.

[2] Clause 9A

Insert after clause 9:

9A Local road widening reservations

- (1) This clause applies to land consisting of a site partly reserved for the purpose of widening existing local roads with the remainder of the site within Zone No 2 (a), 2 (b1), 2 (b2), 2 (c1) or 2 (c2).
- (2) The Council may consent to the carrying out of development on land to which this clause applies for any purpose for which development may be carried out either with or without development consent in the residential zone affecting part of the site.
- (3) This clause has effect despite clause 9 but does not apply to land fronting Marmaduke Street, George Street west of Marmaduke Street, or Deane Street west of Marmaduke Street, Burwood.

[3] Clause 24

Insert “; mixed development” after “industries referred to in Schedule 4” in Column IV of the matter relating to Zone No 3 (b) in the Table to clause 24.

Burwood Local Environmental Plan No 35

Schedule 1 Amendments

[4] Clause 53A

Insert after clause 53:

53A Dual occupancy development

- (1) This clause applies to all land including conservation areas.
- (2) A person may, with the consent of the Council:
 - (a) alter or add to a two storey dwelling-house already erected on an allotment so as to create 2 attached dwellings, or
 - (b) alter or add to a single storey dwelling-house already erected on an allotment so as to create 2 single storey attached dwellings, or
 - (c) erect 2 single storey attached dwellings on an allotment, or
 - (d) erect 2 detached dwelling-houses on an allotment where the dwelling at the front of the allotment is 2 storeys and the dwelling at the rear is single storey, or
 - (e) erect a single storey dwelling-house at the rear of an existing 2 storey dwelling already erected on the allotment, or
 - (f) erect a dwelling-house and alter or add to a building other than a dwelling-house, erected on an allotment, so as to create 2 dwelling-houses, not exceeding one storey in height,if, but only if, not more than two dwellings will be on the allotment after the development has been carried out.
- (3) The Council shall not consent to an application made for consent to carry out development in accordance with this clause unless:
 - (a) in a case where the development will result in the creation of two attached dwellings—the area of the allotment on which the dwellings will be situated is not less than 500 square metres, or
 - (b) in a case where the development will result in 2 detached dwelling-houses—the area of the allotment on which the dwelling-houses will be situated is not less than 600 square metres.

Burwood Local Environmental Plan No 35

Amendments

Schedule 1

-
- (4) The Council may refuse consent to an application made for consent to carry out development in accordance with this clause unless, in the case of development that will result in 2 detached dwelling-houses on land fronting a major arterial road, vehicular access is provided by way of an adjacent local road (where possible) or by way of a consolidated driveway.
- (5) Consent must not be granted to development allowed by this clause in respect of land that, because of its special streetscape, is a conservation area (within the meaning of clause 79A or Part 7A) unless the Council is satisfied that adequate regard has been had to such matters required to be taken into account by clauses 79A, 79C, 79D and 79E as are relevant to the proposal.
- (6) The Council shall not grant a consent referred to in subclause (5) unless it has taken into consideration a heritage impact statement, being a statement that describes:
- (a) the impact that the proposed development the subject of the application for consent is likely to have on the heritage significance of the building, structure, heritage item or conservation area concerned, and
 - (b) any measures proposed to mitigate any adverse aspects of that impact.
- (7) The provisions of subclauses (5) and (6) prevail over all other provisions of this plan, whether or not there is any direct or indirect inconsistency between subclauses (5) and (6) and the other provisions.

[5] Clause 55 Floor space ratio

Omit clause 55 (2) and (4).

[6] Clause 55 (3)

Omit the Table to clause 55 (3). Insert instead:

Table

Column I	Column II
Zone No 2 (b1)	0.4:1
Zone No 2 (b2)	0.55:1

Burwood Local Environmental Plan No 35

Schedule 1 Amendments

Zone No 2 (c1)	0.75:1
Zones Nos 2 (c2), 3 (d), 4 (b)	1:1
Zones Nos 3 (a), 3 (b), 3 (c3)	1.5:1
Zones Nos 3 (c1), 3 (c2)	2:1

[7] Clause 56A

Insert after clause 56:

56A Height of buildings in Zones Nos 2 (b1), 2 (b2), 2 (c1), 2 (c2) and 3 (a)

The Council must not consent to the erection of a building on land within a zone shown in Column I of the Table to this clause that exceeds the height shown in Column II of that Table.

Table

Column I	Column II
Zone	Maximum height of buildings in storeys
2 (b1)	2
2 (b2)	2
2 (c1)	3
2 (c2)	8
3 (a)	4

Burwood Local Environmental Plan No 35

Amendments

Schedule 1

[8] Clause 58A

Insert after clause 58:

58A Mixed development in Zone No 3 (b)

Mixed development shall not be carried out on land within Zone No 3 (b) if:

- (a) the total floor space that is to be used for dwellings, dwelling-houses or residential flat buildings will exceed 50% of the total floor space of the building or buildings erected or to be erected on the land concerned, or
- (b) the height of any building on the land will exceed 4 storeys at the street alignment or 5 storeys elsewhere.

[9] Clause 66 Residential flat buildings—standards

Omit “305” wherever occurring in Column II of the matter relating to Zone No 2 (b1) in the Table to the clause.

Insert instead “250”.

[10] Clause 66, Table

Omit “140” wherever occurring in Column III of the matter relating to Zone No 2 (b1).

Insert instead “125”.

[11] Clause 67 Residential flat buildings in Zone No 2 (b2), 2 (c1) or 2 (c2)

Omit the clause (which imposes minimum frontages and site areas for residential flat buildings in Zones Nos 2 (b2), 2 (c1) and 2 (c2) fronting a main or county road).

[12] Clause 68 Parking spaces

Omit the clause.

[13] Clause 69 Setbacks

Omit the clause.

Burwood Local Environmental Plan No 35

Schedule 1 Amendments

[14] Clause 70 Residential flat buildings within Zone No 2 (b1) or 2 (b2)

Omit the clause.

Fairfield Local Environmental Plan 1994 (Amendment No 78)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P01/00358/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 78)

Fairfield Local Environmental Plan 1994 (Amendment No 78)

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 78)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 4 (c) Special Industrial to Zone 3 (c) Local Business Centre under *Fairfield Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to land known as 134 Edensor Road, Bonnyrigg, being Lot 3, DP 20150, as shown by distinctive colouring and lettering on the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 78)" deposited in the office of Fairfield City Council.

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 78)

Ku-ring-gai Local Environmental Plan No 190

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*. (S01/01229/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Ku-ring-gai Local Environmental Plan No 190

Ku-ring-gai Local Environmental Plan No 190

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 190*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Special Uses “A” (Seminary) to Residential “C” under *Ku-ring-gai Planning Scheme Ordinance*, and
- (b) to set a minimum width for those allotments of the land that front Bobbin Head Road, North Turramurra.

3 Land to which plan applies

This plan applies to land within the Ku-ring-gai local government area, being Lots 351 and 352, DP 455848, at the corner of Bobbin Head Road and Murrua Road, North Turramurra, as shown coloured light scarlet with dark red edging and lettered 2 (c) on the map marked “Ku-ing-gai Local Environmental Plan No 190” deposited in the office of the Council of Ku-ring-gai.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

Ku-ring-gai Planning Scheme Ordinance is amended as set out in Schedule 1.

Ku-ring-gai Local Environmental Plan No 190

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in appropriate order in the definition of *Scheme map* in clause 4 (1):

Ku-ring-gai Local Environmental Plan No 190

[2] Clause 60G

Insert after clause 60F:

60G Development of land at corner of Bobbin Head Road and Murrua Road, North Turramurra

- (1) This clause applies to Lots 351 and 352, DP 455848, at the corner of Bobbin Head Road and Murrua Road, North Turramurra, as shown coloured light scarlet with dark red edging and lettered 2 (c) on the map marked “Ku-ring-gai Local Environmental Plan No 190” deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, any allotment of land to which this clause applies that fronts Bobbin Head Road may have a minimum width of not less than 22 metres.

Liverpool Local Environmental Plan 1997 (Amendment No 22)

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*. (P00/00360/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 22)

Liverpool Local Environmental Plan 1997 (Amendment No 22)

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 22)*.

2 Aims of plan

This plan aims to regulate local shops in the Liverpool local government area.

3 Land to which plan applies

This plan applies to land in the Liverpool local government area.

4 Amendment of Liverpool Local Environmental Plan 1997

The *Liverpool Local Environmental Plan 1997* is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 22)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

local shop means a shop that:

- (a) operates primarily to serve the surrounding residential area, and
- (b) trades principally in groceries, small goods and associated convenience items, and
- (c) does not exceed 75 square metres in gross floor area, and includes such a shop that also offers the facilities of a post office or newsagency.

[2] Clause 9 Development which is allowed or prohibited within a zone

Insert in alphabetical order in Column 1 of the Table to clause 9:

Local shops

[3] Clause 9

Insert “✓” in the column for Zone 2 (a) in the Table to clause 9 opposite the matter “Local shops” inserted by item [2].

[4] Clause 45B

Insert after clause 45A:

45B Local shops

- (1) The Council must not grant consent to development for the purpose of a local shop on land within Zone 2 (a) unless it is satisfied that the boundary of the site of the proposed local shop will be at least 500 metres by road from each of the following:
 - (a) land within Zone 3 (a),
 - (b) land in respect of which a consent to development for the purpose of a local shop is in force,

Page 3

Liverpool Local Environmental Plan 1997 (Amendment No 22)

Schedule 1 Amendments

- (c) land in respect of which a consent to development for the purpose of a convenience store is in force,
 - (d) land on which there is an existing lawful shop.
- (2) The Council must not grant a consent referred to in subclause (1) unless it has considered the likely impact of the proposed development on the viability of existing or proposed shopping centres in the locality.

Liverpool Local Environmental Plan 1997 (Amendment No 66)

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*. (P01/00452/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 66)

Liverpool Local Environmental Plan 1997 (Amendment No 66)

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 66)*.

2 Aims of plan

This plan aims to exclude the subject land from the operation of clause 55 of *Liverpool Local Environmental Plan 1997* (Land acquisition within the 5 (a), 5 (b) and 5 (d) zones).

3 Land to which plan applies

This plan applies to Lot 1, DP 1027714, corner of Cowpasture Road and Hoxton Park Road, Liverpool.

4 Amendment of Local Environmental Plan

Liverpool Local Environmental Plan 1997 is amended by inserting after clause 55 (3):

- (4) This clause does not apply in relation to land within Lot 1, DP 1027714, corner of Cowpasture Road and Hoxton Park Road, Liverpool.

Snowy River Local Environmental Plan 1997 (Amendment No 8)

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*. (Q01/00039/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Snowy River Local Environmental Plan 1997 (Amendment No 8)

Snowy River Local Environmental Plan 1997 (Amendment No 8)

1 Name of plan

This plan is *Snowy River Local Environmental Plan 1997 (Amendment No 8)*.

2 Aims of plan

This plan aims to amend *Snowy River Local Environmental Plan 1997* so as:

- (a) to allow strata subdivision of certain land in residential zones, and
- (b) to correct anomalies in the wording and operation of clauses relating to rural tourist development, and
- (c) to amend the definition of *lodge* in Schedule 1 to that plan, and
- (d) to identify additional heritage items by including them in Schedule 7 to that plan.

3 Land to which plan applies

This plan applies to land within the local government area of Snowy River, being:

- (a) in respect of the aims referred to in clause 2 (a), (b) and (c), the land to which *Snowy River Local Environmental Plan 1997* applies, and
- (b) in respect of the aim referred to in clause 2 (d), Lots 2 and 40, DP 756707, Parish of Marrinumbra, as shown edged heavy black on the map marked "Snowy River Local Environmental Plan No 8" deposited in the office of the Council of Snowy River Shire.

4 Amendment of Snowy River Local Environmental Plan 1997

Snowy River Local Environmental Plan 1997 is amended as set out in Schedule 1.

Snowy River Local Environmental Plan 1997 (Amendment No 8)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

- [1] **Clause 31 What are the provisions for dual occupancy on land within Zones 2 (a), 2 (b) and 2 (v)?**

Omit clause 31 (5).

- [2] **Clause 33 What standards apply to residential structures and subdivision on land within Zones 2 (a), 2 (b) and 2 (v)?**

Insert after clause 33 (8):

- (9) The Council must not grant consent for a proposed subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* or for a subdivision under the *Community Land Development Act 1989* in respect of land within Zone 2 (a) on which a residential flat building or medium density housing is located.

- [3] **Clause 36**

Omit the clause. Insert instead:

36 Can a rural tourist development be subdivided?

- (1) This clause applies to land in Zone 1 (a), 1 (d) or 7.
- (2) In this clause, *rural tourist development* means nature-based eco-tourism resorts, total destination resorts, rural tourist recreational facilities and other rural accommodation with a guest-bed capacity of 80 beds or more, but does not include camping grounds, caravan parks or on-farm tourist accommodation.
- (3) Regardless of other provisions of this plan, the Council may consent to subdivision of a rural tourism development for which consent has been granted if:
- (a) the subdivision will be under the *Community Land Development Act 1989*, and
- (b) the facility includes not less than 80 tourist beds, available on a year-round basis, and

Page 3

Snowy River Local Environmental Plan 1997 (Amendment No 8)

Schedule 1 Amendments

-
- (c) all components of the facility will be centrally managed, and
 - (d) lots created as a result of the subdivision will each contain the whole or part of one or more accommodation buildings and their curtilage, but any lot containing access and other common facilities, infrastructure or landscaping will be held in common ownership by all owners of the other lots created by the subdivision.

[4] Schedule 1 Definitions

Omit the definition of *lodge*. Insert instead:

lodge means a building that is used for holiday accommodation with shared facilities (such as communal living, dining and kitchen areas) and that contains not more than 50 beds.

[5] Schedule 7 Heritage items

Insert at the end of the Schedule:

5.01	Homestead, garden, garden structures, relics of original driveway and entrance, cottages, building relics, shearing shed and associated buildings, sheds, old plantings	Murranumbla	Lot 2, DP 756707, Parish of Marrinumbla.
5.02	House, garden, garage, shed, pine trees	Tallawa	Lot 40, DP 756707, Parish of Marrinumbla.

City of Wollongong Local Environmental Plan 1990 (Amendment No 194)

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. (W92/00844/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 City of Wollongong Local Environmental Plan 1990 (Amendment No 194)

City of Wollongong Local Environmental Plan 1990 (Amendment No 194)

1 Name of plan

This plan is *City of Wollongong Local Environmental Plan 1990 (Amendment No 194)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to the Special Environmental Protection Zone under the *City of Wollongong Local Environmental Plan 1990*.

3 Land to which plan applies

This plan applies to land situated in the City of Wollongong, being Lot 22 and part of Lot 24, DP 835200, Surfers Parade, Thirroul, as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 194)” deposited in the office of the Council of the City of Wollongong.

4 Amendment of City of Wollongong Local Environmental Plan 1990

The *City of Wollongong Local Environmental Plan 1990* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

City of Wollongong Local Environmental Plan 1990 (Amendment No 194)

Wyong Local Environmental Plan 1991 (Amendment No 104)

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*. (N93/00303/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 104)

Wyong Local Environmental Plan 1991 (Amendment No 104)

1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 104)*.

2 Aims of plan

This plan aims to amend various controls relating to business and industrial zones under *Wyong Local Environmental Plan 1991* in order to implement the *Wyong Shire Retail Centres Strategy*.

3 Land to which plan applies

This plan applies to the land in the local government area of Wyong to which *Wyong Local Environmental Plan 1991* applies.

4 Amendment of Wyong Local Environmental Plan 1991

Wyong Local Environmental Plan 1991 is amended as set out in Schedule 1.

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Definitions

Insert in alphabetical order in clause 7 (1):

building products sales room or showroom means a building or place used for the display or sale of materials or goods used as fixed components of residential construction.

large scale commercial premises means a building or place, or part of a building or place, which has a minimum gross floor area of 200m² and is used for the purposes of an office or other business or commercial purposes by a single occupancy, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

large scale retail establishment means a building or place, or part of a building or place, which has a minimum gross floor area of 200m² and is used for retail sales as a single retail outlet by an individual occupant, but does not include such a building or place used for the purposes of:

- (a) a supermarket or other foodstuffs or produce sales (excluding that sold by a restaurant), and
- (b) clothing sales or display (other than clothing essential for sporting activity and sold in conjunction with sporting goods).

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 also sold or displayed in conjunction with the use.

plant hire establishment means a building or place used for the display and hire of machinery, tools or equipment which requires:

- (a) a large area for handling or display, or

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

- (b) direct vehicle access to the site of the building or place for the purpose of loading or unloading the machinery, tools or equipment, into or off vehicles, prior to or following their hire.

self storage establishment means a building or group of buildings operated as a single entity which provides individual enclosed storage of non-hazardous goods, merchandise or materials.

[2] Clause 7 (1), definition of “special retail premises”

Omit the definition.

[3] Clause 7 (1), definition of “the map”

Insert in appropriate order:

Wyong Local Environmental Plan 1991 (Amendment No 104)

[4] Clause 9 Zones indicated on the map

Omit the matter relating to Zone No 3 (a). Insert instead:

Zone No 3 (a) (Business Centre Zone)—identified with heavy black edging and lettered “3 (a)”.

[5] Clause 9

Insert in appropriate order:

Zone No 3 (b) (Centre Support Zone)—identified with heavy black edging and lettered “3 (b)”.

Zone No 4 (c) (Business Park Zone)—identified with heavy black edging and lettered “4 (c)”.

[6] Clause 9

Omit the matter relating to Zones Nos 3 (c) and 4 (d).

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

[7] Clause 10 Zone objectives and development control table

Insert in alphabetical order in Item 4 of the matter relating to Zones Nos 1 (a), 1 (c), 1 (d) and 7 (b) in the Table to the clause the words “building products sales rooms or showrooms;”, “large scale commercial premises;”, “large scale retail establishments;”, “motor showrooms;”, “plant hire establishments;” and “self storage establishments;”.

[8] Clause 10, Table

Omit “special retail premises;” wherever occurring from Item 4 of the matter relating to Zones Nos 1 (a), 1 (c), 1 (d) and 7 (b).

[9] Clause 10, Table

Omit the matter relating to Zones Nos 3 (a), 3 (c), 3 (d), 4 (a), 4 (b), 4 (d) and 4 (e).

[10] Clause 10, Table

Insert in appropriate order:

Zone No 3 (a) (Business Centre Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business centres within the retail hierarchy as established by a development control plan prepared by the Council for the purpose, and
- (b) to provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and
- (c) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those attached to other permitted buildings); exhibition homes; extractive industries; generating works; hazardous industries; hazardous storage establishments; industries; intensive agriculture; light industries; materials recycling depots; mining; motor showrooms; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; stock and sale yards; tourist accommodation that is not attached to other permitted buildings or used in conjunction with other permitted uses; toxic waste incinerators; transport depots; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 3 (b) (Centre Support Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for development having relatively low traffic generating characteristics but not high turnover shops and offices that might more properly be located in Zone No 3 (a) (the Business Centre Zone), and
- (b) to provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets, and

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

-
- (c) to provide for development which does not have the potential to result in a detrimental impact on uses in Zone No 3 (a), and
 - (d) to create opportunities for development within district and regional business centres which support and enhance the range of retail opportunities within those centres, and
 - (e) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); exhibition homes; extractive industries; general stores; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries; intensive agriculture; light industries; materials recycling depots; mining; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings; road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; transport depots; vehicle body repair workshops; warehouses.

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

Zone No 3 (d) (Tourist Business Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage development providing accommodation, services, entertainment and attractions for tourists, and
- (b) to complement the functions of a town's centre the subject of this zone, and
- (c) to ensure that development is of a type and scale that is appropriate to a tourist oriented character, and enables the maintenance of the area's attraction to tourists.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); education establishments; exhibition homes; extractive industries; generating works; group homes; hazardous industries; hazardous storage establishments; heliports; hospitals; industries; intensive agriculture; light industries; materials recycling depots; medical centres; mining; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; places of worship; plant hire establishments; plant nurseries; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; service stations; stock and sale yards; toxic waste incinerators;

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

transitional group homes; transport depots; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; warehouses.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of large scale industrial, service and storage activities which by nature of their operations should be isolated from residential areas, and
- (b) to restrict commercial, retail or other development other than where it is ancillary to the use of land within this zone for industrial, service or storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Aerodromes; agriculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; group homes; hazardous industries; hazardous storage establishments; hospitals; hotels; intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

establishments; plant nurseries; reception establishments; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of a wide range of industrial, service and storage activities which do not have a materially detrimental effect on the amenity of adjoining residential areas, and
- (b) to restrict commercial, retail or other development other than where it is ancillary to the use of land within this zone for light industrial, service or storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; boarding houses; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries (other than light industries); intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres;

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

motels; offensive industries; offensive storage establishments; palliative day care centres; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (c) (Business Park Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the integrated development of an industrial business park, and
- (b) to allow for large scale commercial development which is not in conflict with sustaining and developing commercial zones, and
- (c) to encourage development appropriate to an industrial business park which generates multi-sectoral employment, and
- (d) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries (other

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

than light industries); intensive agriculture; large scale retail establishments; materials recycling depots; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; self storage establishments; service stations; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

Zone No 4 (e) (Regional Industrial and Employment Development Zone)

1 Objectives of zone

The objectives are:

- (a) to provide land to cater primarily for the special requirements of major industrial or employment-generating development which is within convenient distances to support population growth within the urban centres of the local government area of Wyong and has good road and rail access links, and
- (b) to facilitate major industrial and employment-generating activities by permitting development which:
 - (i) generates significant new employment on-site, or
 - (ii) requires a large site area but has a significant multiplier effect on the regional economy, and
- (c) to facilitate other industrial and employment-generating activities only where:
 - (i) the development requires location with other major industries or activities within this zone, or
 - (ii) the development requires a location with convenient access to the freeway or railway, and
- (d) to provide that new industrial development and other development does not present unacceptable risks by limiting development which:
 - (i) exposes residences and the natural environment to unacceptable levels of pollution or hazard risk and does not incorporate adequate safeguards to mitigate any potential threats, or

Wyong Local Environmental Plan 1991 (Amendment No 104)

Amendments

Schedule 1

-
- (ii) involves a process which generates toxic waste products the disposal of which cannot be properly managed either on-site or otherwise, or
 - (iii) limits the potential employment capacity of this zone through mitigation measures by sterilising large areas of land through buffer or isolation requirements, and
 - (e) to promote environmentally sustainable development by limiting development that:
 - (i) contributes to the degradation of the Tuggerah Lakes or Lake Macquarie systems, or
 - (ii) involves the transportation of hazardous or offensive materials through or in proximity to residential or environmentally sensitive areas, and
 - (f) to provide for commercial and retail development:
 - (i) that is ancillary to the main use of land within this zone, and
 - (ii) that meets the day-to-day needs of occupants and employees of the buildings within this zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; community facilities; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); entertainment facilities; exhibition homes; group homes; hazardous industries; hazardous storage establishments; hospitals; hotels; intensive agriculture; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments;

Wyong Local Environmental Plan 1991 (Amendment No 104)

Schedule 1 Amendments

palliative day care centres; plant hire establishments; reception establishments; recreation facilities; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; shops; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

[11] Clause 42

Omit the clause. Insert instead:

42 Floor space ratio

- (1) This clause applies to land within Zone No 3 (a) that is identified as a local or neighbourhood centre in any development control plan applying to the land.
- (2) The ratio of so much of the gross floor area of a building erected on land to which this clause applies as is not used for residential purposes to the site area must not exceed 0.5:1.

[12] Clauses 42A, 56, 57 and 62

Omit the clauses.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 –
DECLARATION**

I, the Minister for Urban Affairs and Planning, in pursuance of section 76A(7)(b)(iii) of the Environmental Planning and Assessment Act 1979, having formed the opinion that development of the class set out in the Schedule to this Declaration is of State and regional environmental planning significance, declare it to be State significant development.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Sydney, 1 April 2002.

Schedule

Development of a Container examination facility by Australian Customs Service on land within Lot 103 DP 805244, Bumborah Road, Matraville, Randwick LGA.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 –
DECLARATION**

I, the Minister for Urban Affairs and Planning, in pursuance of section 76A(7)(b)(iii) of the Environmental Planning and Assessment Act 1979, having formed the opinion that development of the class set out in the Schedule to this Declaration is of State and regional environmental planning significance, declare it to be State significant development.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Sydney, 1 April 2002.

Schedule

Development of a Container examination facility by Australian Customs Service on land within Lot 103 DP 805244, Bumborah Road, Matraville, Randwick LGA.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DECLARATION**

I, the Minister for Planning, in pursuance of section 76A(7) of the *Environmental Planning and Assessment Act 1979*, having formed the opinion that the development proposal listed in the Schedule to this Declaration is of State environmental planning significance, declare it to be State significant development.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Sydney, 27 March 2002

Schedule

The extension of the Bowens Road West Pit, at the Stratford Open Cut Coal Mine operations, as described by the following parcels of land: Part 62 and Part 63 on DP 979 859 (Parish of Avon, County of Gloucester).

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DECLARATION**

I, the Minister for Planning, in pursuance of section 76A(7) of the *Environmental Planning and Assessment Act 1979*, having formed the opinion that the development proposal listed in the Schedule to this Declaration is of State environmental planning significance, declare it to be State significant development.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Sydney, 27 March 2002

Schedule

The establishment of the Whitehaven Coal Mine Coal Handling and Preparation Plant with a nominal coal handling capacity of 400 tonnes per annum on the site of the former Namoi Valley (Vickery) rail siding and within the existing Gunnedah Colliery rail loop through a number of parcels of land as follows: DP 705086 Lot 678; DP 723509 Lot 1; DP 755503 Lots 120, 498, 111 and 471 to 475; DP 810271 Lot 1 and DP 875874 Lot 3.

Roads and Traffic Authority

ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1997

Notice Fixing Fees

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*, FIXES the fees set out in Column 2 of the Schedule to this Notice in respect of the services shown opposite to them in Column 1 of that Schedule.

Dated this 10th day of April 2002.

The Seal of the ROADS AND)
 TRAFFIC AUTHORITY was)
 hereunto affixed in the presence of:)

Corporate Counsel

SCHEDULE

1. This Notice takes effect on 15 April 2002.
2. The Notice Fixing Fees published in *Government Gazette* No. 196 of 21 December 2001 at pages 10745-10746 is amended by inserting the following services and fees in the Schedule to that Notice.

Column 1	Column 2 - \$
26. Issue of European Plates	180
27. Remade European Plates	180
28. Issue of Personalised European Plates	350

ROADS ACT 1993

ORDER – SECTION 31

Fixing or Varying of Levels of Part of the Kamilaroi Highway in the Narrabri area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of State Highway No 29 – Kamilaroi Highway between 33.6km to 35.42km North West of Narrabri, as shown on Roads and Traffic Authority Plan No 0029.319.RC.0001.

P.Dearden
Project Services Manager
Roads and Traffic Authority of New South Wales

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of land at Cudgera Creek in the Tweed Shire Council Area

The Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant Governor, that the interest in land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager Statutory Processes
Roads and Traffic Authority of New South Wales

SCHEDULE

An easement in gross for rock anchors as described in Memorandum 2139814 recorded at Land and Property Information NSW, over the land described below, within the site shown as “proposed easement for soil nails variable width” and designated by the letter “A” on Deposited Plan 1028660 and limited in height and depth as shown on Deposited Plan 1028660.

Land Burdened

Part of the land in Certificate of Title 305/1000653.

The land is said to be in the possession of Ramtech Pty Limited

(RTA Papers FPP 1M3742; RO 10/438.11069)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Shellharbour in the Shellharbour City Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All that piece or parcel of land situated in the Shellharbour City Council area, Parish of Terragong and County of Camden, shown as Lot 10 Deposited Plan 867019.

(RTA Papers: 401.1167).

Sydney Water

SEWER MAINS

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF WOLLONDILLY, AT THIRLMERE: Contract Number 972020S5, Project Number 3002772. Sewer line 1, inclusive and its appurtenant junctions, serving BARBOUR ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VALDIS VIKSNE,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 12 April 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

BAULKHAM HILLS: AT KELLYVILLE; Contract No. 974961S5, Project No. 3002534, Lines 1 and 2 inclusive and their appurtenant junctions, sidelines and inlets PHOENIX AVENUE AND WILKINS AVENUE.

BAULKHAM HILLS: AT BELLA VISTA; Contract No. 974926S66, Project No. 3002429, Lines 1 to 5 inclusive and their appurtenant junctions, sidelines and inlets FLAGSTONE GROVE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer, Blacktown.

Dated: 12 April 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY/MUNICIPALITY OF KU-RING-GAI, AT PYMBLE. Contract Number 978376S2, Project Number 3003002 Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving COURALLIE AVENUE.

CITY/MUNICIPALITY OF KU-RING-GAI, AT ST IVES. Contract Number 975363S5, Project Number 3002513. Line 1 to Line 4, inclusive and their appurtenant junctions, sidelines and inlets serving AYRES ROAD and MONA VALE ROAD.

CITY/MUNICIPALITY OF HORNSBY, AT THORNLEIGH. Contract Number 975812S5, Project Number 3002664. Property Connection Sewer Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving HANDLEY AVENUE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer, Chatswood.

Dated: 12 April 2002.

WATER MAINS

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF PENRITH, AT CRANBROOK: Contract Number 969011W7, Project Number 1000484. Water mains are now laid and capable of serving identified properties in VINCENT ROAD and THE NORTHERN ROAD.

CITY OF PENRITH, AT CAMBRIDGE PARK: Contract Number 973471W8, Project Number 1001149. Water

mains are now laid and capable of serving identified properties in RICHMOND ROAD, STAR CIRCUIT and BOOMERANG PLACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 12 April 2002.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

*BAULKHAM HILLS SHIRE OF: AT KELLYVILLE;
Contract No 974961W9, Project No 1001129 water mains are now laid and capable of serving identified properties at PHOENIX AVENUE and WILKINS AVENUE.*

*BAULKHAM HILLS SHIRE OF: AT KELLYVILLE;
Contract No 974961W9, Project No 7000204 recycled water mains are now laid and capable of serving identified properties at PHOENIX AVENUE and WILKINS AVENUE.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer, Blacktown.

Dated: 12 April 2002.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

*CITY/ MUNICIPALITY OF KU-RING-GAI, AT ST IVES.
Contract Number 975363W9, Project Number 1001121. Water mains are now laid and capable of serving identified properties in AYRES ROAD.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARTHA AMDOR,
Developer Activity Officer, Chatswood.

Dated: 12 April 2002.

Other Notices

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 33, and 51 of the Anti-Discrimination Act 1977 to Ematine Pty Ltd as trustees for the Midnight Shift Hotel to restrict access to the premises of the Midnight Shift Hotel to men only.

This exemption will remain in force for a period of six months from the date given.

Dated this 27th day of March 2002.

BOB DEBUS, M.P.,
Attorney General

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001*, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Community Pharmacy Operations.

CITATION

The order is cited as the Community Pharmacy Operations Order.

ORDER

A summary of the Order is given below.

(a) Term of Training

(i) Full-time

The appropriate term of training is as follows:

Certificate II – 12 months

Certificate III – 12 months for trainees who have completed the Certificate II qualification, 24 months for direct entry trainees

Certificate IV – 12 months for trainees who have completed the Certificate III qualification, 36 months for direct entry trainees

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

(ii) Part-time

The appropriate term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

School based traineeships

In the case of school-based part-time traineeships, where the nominal full-time term is twelve (12) months, training shall be for nominal terms up to 30 months within which period(s) trainees shall be required to demonstrate competencies relevant to the Vocational Training Order. Training may extend to 36 months where the Higher School Certificate is being delivered over a three (3) year period.

Students may work full-time during school vacations. They are not required to attend on-the-job or off-the-job training for more than 7.6 hours per week during examination periods or exam preparation periods.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44				
17	14	28	42				
18	14	27	41				
19	13	26	39				
20	13	25	38				
21	12	24	36	48			
22	12	23	35	46			
23	11	22	33	44	55		
24	11	21	32	42	53		
25	10	20	30	40	50	60	
26	10	19	29	38	48	57	
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the units of competence specified in the Community Pharmacy Training Package WRP01

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

WRP20102 Certificate II in Community Pharmacy

WRP30102 Certificate III in Community Pharmacy

WRP40102 Certificate IV in Community Pharmacy

AVAILABILITY TO INSPECT

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

COMPANION ANIMALS REGULATION 1999

Order

Organisations approved by the Director General under clause 17(c) of the Companion Animals Regulation 1999

PURSUANT to clause 17(c) of the Companion Animals Regulation 1999 the organisations listed in Schedule 1 are hereby approved, subject to the conditions contained in Schedule 2.

SCHEDULE 1

<i>Name of organisation</i>	<i>Address of organisation</i>	<i>Name of contact officer for organisation</i>
Northern Rivers Animal Shelter	15 Kyogle Street South Lismore NSW 2480	Ms Helen Chilcott

SCHEDULE 2

1. The exemption under clause 17(c) of the Companion Animals Regulation 1999 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
2. The exemption under clause 17(c) of the Companion Animals Regulation 1999 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998 and Regulation 1999.
3. The exemption under clause 17(c) of the Companion Animals Regulation 1999 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the Department of Local Government as requested that lists; the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption whilst in the custody of the organisation.

GARRY PAYNE,
Director General
Department of Local Government

CO-OPERATIVES ACT 1992

Change of Name

IT is hereby notified that on 5 April 2002, I registered a change of name for Edmund Barton Chambers (Level 43) Co-operative Limited to William Deane Chambers Co-operative Limited.

Dated this fifth day of April 2002.

S. McLOUGHLIN,
Delegate of the Registrar of Co-operatives

DISPOSAL OF SITE

43 Ross Street Inverell - Premises

HIS Excellency the Lieutenant governor, with the advice of the Executive Council, approve of the sale by the Minister for Emergency Services of the land described in the Schedule hereto (such land having been purchased for Fire Brigades purposes, but now being superfluous) for such consideration and in such manner and upon such terms and conditions and subject to such easements, covenants, provisions, exceptions and reservations as the Minister for Emergency Services may deem expedient, and that the purchase money arising from such sale be applied as the Minister for Emergency Services shall direct.

SCHEDULE

All that piece or parcel of land situate at Inverell in the Local government Area of Inverell, Parish of Inverell and County of Gough being Lot 1 in Deposited Plan 337344 and being the whole of the land in Certificate of Title Volume 4947 Folio 234.

FORESTRY ACT, 1916 — PROCLAMATION

(L.S.) J. J. SPIGELMAN, Lieutenant Governor

I, The Honourable JAMES JACOB SPIGELMAN, Lieutenant Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act, 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

SCHEDULE**EASTERN DIVISION**

*Land Districts of Casino and Tenterfield;
Tenterfield Shire Council Area;
North East Forestry Region*

Beury State Forest No. 2, No. 7 Extension. An area of about 420.3 hectares in the Parishes of Beury, Coutts and Woodenbong, County of Buller, being the land within Lot 11 in Deposited Plan 879726, EXCLUSIVE OF all public roads, including Crown Roads, and the part of the bed of Beury Creek traversing that Lot. (10586).

Signed and sealed at Sydney, this twentyseventh day of March, 2002.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GOD SAVE THE QUEEN!

FORESTRY ACT, 1916 — PROCLAMATION

(L.S.) J. J. SPIGELMAN, Lieutenant Governor

I, The Honourable JAMES JACOB SPIGELMAN, Lieutenant Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act, 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

SCHEDULE

EASTERN DIVISION

*Land District of Casino;
Kyogle Council Area;
North East Forestry Region*

Yabbra State Forest No. 394, No. 23 Extension. An area of about 1447.2 hectares in the Parish of Pocupar, County of Buller, being the land within Portions 15 and 20 delineated on plans catalogued 2316 and 2364-1741 respectively, in the Department of Information Technology and Management, Sydney, EXCLUSIVE OF all public roads, including Crown roads, traversing those portions. (55721).

Signed and sealed at Sydney, this twentyseventh day of March, 2002.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GODSAVE THE QUEEN!

GAS SUPPLY ACT 1996

Independent Pricing and Regulatory Tribunal of
New South Wales

Application for Variation to Gas Reticulator's
Authorisation (ref: 01/298-2)

THE Tribunal has received a joint application for a variation to a Gas Reticulator's Authorisation under the Gas Supply Act 1996 from ACTEW Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled ActewAGL Distribution to reticulate natural gas in the Local Government Area of Shoalhaven.

The Tribunal invites public submissions on the application. A summary of the application details can be obtained from the Tribunal's offices. Submissions should address the assessment criteria contained in the Gas Supply Act 1996.

All submissions should reach the Tribunal by 22 May 2002. Enquiries to Mr Gary Drysdale (02) 9290 8477.

THOMAS G. PARRY, Chairman, 12 April 2002, Level 2, 44 Market Street, SYDNEY NSW 2000, PO Box Q290, QVB Post Office, NSW 1230.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7(1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder. Reference: GNB4860

Assigned Name:	Gol Gol
Designation:	Trig. Station
L.G.A.:	Balranald Shire Council
Parish:	
County:	Manara
L.P.I. Map:	Turlee
"100,000 Map:"	Turlee 7530

Assigned Name:	Berrigan
Designation:	Trig. Station
L.G.A.:	Berrigan Council
Parish:	Gereldery
County:	Denison
L.P.I. Map:	Berrigan
"100,000 Map:"	Berrigan 8026
Assigned Name:	Garryowen
Designation:	Trig. Station
L.G.A.:	Yarrowlumla Shire Council
Parish:	Queanbeyan
County:	Murray
L.P.I. Map:	Canberra
"100,000 Map:"	Canberra 8727
Assigned Name:	Marsh
Designation:	Trig. Station
L.G.A.:	Copmanhurst Council
Parish:	Coaldale
County:	Clarence
L.P.I. Map:	Whiporie
"100,000 Map:"	Coaldale 9439
Assigned Name:	Lionsville
Designation:	Trig. Station
L.G.A.:	Copmanhurst Council
Parish:	Malara
County:	Drake
L.P.I. Map:	Malara Creek
"100,000 Map:"	Tenterfield 9339
Assigned Name:	Dalton
Designation:	Trig. Station
L.G.A.:	Gunning Shire Council
Parish:	Dalton
County:	King
L.P.I. Map:	Dalton
"100,000 Map:"	Gunning 8728
Assigned Name:	Wong
Designation:	Trig. Station
L.G.A.:	Cobar Council
Parish:	Goonaburra
County:	Mossgiel
L.P.I. Map:	Keewong
"100,000 Map:"	Keewong 7933
Assigned Name:	Beau
Designation:	Trig. Station
L.G.A.:	Cobar Council
Parish:	Bluff
County:	Booroondarra
L.P.I. Map:	The Meadows
"100,000 Map:"	The Meadows 7934
Assigned Name:	Mavis
Designation:	Trig. Station
L.G.A.:	Cobar Council
Parish:	Meadows
County:	Booroondarra
L.P.I. Map:	The Meadows
"100,000 Map:"	The Meadows 7934
Assigned Name:	Remus
Designation:	Trig. Station
L.G.A.:	Cobar Council
Parish:	Cultogerie
County:	Booroondarra
L.P.I. Map:	The Meadows
"100,000 Map:"	The Meadows 7934
Assigned Name:	Winduck
Designation:	Trig. Station
L.G.A.:	Cobar Council
Parish:	Congrou
County:	Booroondarra
L.P.I. Map:	The Meadows
"100,000 Map:"	The Meadows 7934

Assigned Name:	Albert	Assigned Name:	Nogrigar
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Severn Shire Council	L.G.A.:	Copmanhurst Council
Parish:	Moogem	Parish:	Hongkong
County:	Clive	County:	Drake
L.P.I. Map:	Coombadjha	L.P.I. Map:	Malara Creek
"100,000 Map:"	Tenterfield 9339	"100,000 Map:"	Tenterfield 9339
Assigned Name:	South Pinnacle	Assigned Name:	Balgay
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Unincorporated	L.G.A.:	Bogan Shire Council
Parish:		Parish:	Balgay
County:	Yancowinna	County:	Flinders
L.P.I. Map:	Thackaringa	L.P.I. Map:	Bobadah
"100,000 Map:"	Thackaringa 7133	"100,000 Map:"	Bobadah 8233
Assigned Name:	North Pinnacle	Assigned Name:	Kildare
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Unincorporated	L.G.A.:	Gunning Shire Council
Parish:		Parish:	Kildare
County:	Yancowinna	County:	King
L.P.I. Map:	Thackaringa	L.P.I. Map:	Dalton
"100,000 Map:"	Thackaringa 7133	"100,000 Map:"	Gunning 8728
Assigned Name:	Camurra Ecce	Assigned Name:	Balah
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Moree Plains Council	L.G.A.:	Cobar Council
Parish:	Boooroo	Parish:	Balah
County:	Courallie	County:	Robinson
L.P.I. Map:	Moree	L.P.I. Map:	The Meadows
"100,000 Map:"	Moree 8839	"100,000 Map:"	The Meadows 7934
Assigned Name:	Moree Tracking Station	Assigned Name:	Ian
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Moree Plains Council	L.G.A.:	Cobar Council
Parish:	Carore	Parish:	Bluff
County:	Courallie	County:	Booroondarra
L.P.I. Map:	Moree	L.P.I. Map:	The Meadows
"100,000 Map:"	Moree 8839	"100,000 Map:"	The Meadows 7934
Assigned Name:	Barren Jack	Assigned Name:	Paddington
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Gundagai Shire Council	L.G.A.:	Cobar Council
Parish:	Childowla	Parish:	Benkanyah
County:	Harden	County:	Booroondarra
L.P.I. Map:	Yass	L.P.I. Map:	The Meadows
"100,000 Map:"	Yass 8628	"100,000 Map:"	The Meadows 7934
Assigned Name:	Stroud Road	Assigned Name:	Tulloh
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Dungog Shire Council	L.G.A.:	Cobar Council
Parish:	Limestone	Parish:	Springfield
County:	Gloucester	County:	Booroondarra
L.P.I. Map:	Stroud Road	L.P.I. Map:	The Meadows
"100,000 Map:"	Dungog 9233	"100,000 Map:"	The Meadows 7934
Assigned Name:	Adaminaby	Assigned Name:	Junction
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Snowy River Shire Council	L.G.A.:	Muswellbrook Shire Council
Parish:	Nimmo	Parish:	Denman
County:	Wallace	County:	Brisbane
L.P.I. Map:	Berridale	L.P.I. Map:	Denman
"100,000 Map:"	Berridale 8625	"100,000 Map:"	Muswellbrook 9033
Assigned Name:	Barooga Hill	Assigned Name:	Merah North
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Berrigan Council	L.G.A.:	Narrabri Council
Parish:	Barooga	Parish:	Tulladunna
County:	Denison	County:	Jamison
L.P.I. Map:	Berrigan	L.P.I. Map:	Wee Waa
"100,000 Map:"	Berrigan 8026	"100,000 Map:"	Wee Waa 8737
Assigned Name:	Dodsworth	Assigned Name:	L8
Designation:	Trig. Station	Designation:	Trig. Station
L.G.A.:	Yarrowlumla Shire Council	L.G.A.:	North Sydney Council
Parish:	Queanbeyan	Parish:	Willoughby
County:	Murray	County:	Cumberland
L.P.I. Map:	Canberra	L.P.I. Map:	Parramatta River
"100,000 Map:"	Canberra 8727	"100,000 Map:"	Sydney 9130

Assigned Name: W15
 Designation: Trig. Station
 L.G.A.: Auburn Council
 Parish: Liberty Plains
 County: Cumberland
 L.P.I. Map: Parramatta River
 "100,000 Map:" Sydney 9130

Assigned Name: Maitland A
 Designation: Trig. Station
 Previous Name: Maitland Post Office
 L.G.A.: Maitland City Council
 Parish: Maitland
 County: Northumberland
 L.P.I. Map: Maitland
 "100,000 Map:" Newcastle 9232

Assigned Name: Maitland B
 Designation: Trig. Station
 Previous Name: Saint Marys Maitland
 L.G.A.: Maitland City Council
 Parish: Maitland
 County: Northumberland
 L.P.I. Map: Maitland
 "100,000 Map:" Newcastle 9232

Assigned Name: Maitland C
 Designation: Trig. Station
 Previous Name: Maitland Town Hall
 L.G.A.: Maitland City Council
 Parish: Maitland
 County: Northumberland
 L.P.I. Map: Maitland
 "100,000 Map:" Newcastle 9232

PURSUANT to the provisions of Section 14(1) of the Geographical Names Act 1966, the Geographical Names Board has this day discontinued the geographical names listed hereunder. Reference: GNB4860

Discontinued Name: Old
 Designation: Trig. Station
 L.G.A.: Yarrolumla
 Parish: Goorooyarroo
 County: Murray
 L.P.I. Map: Hall
 100,000 Map: Canberra 8727

JoeDiscontinued Name: Greenwood
 Designation: Trig. Station
 L.G.A.: Yarrolumla
 Parish: Goorooyarroo
 County: Murray
 L.P.I. Map: Hall
 1:100,000 Map: Canberra 8727

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.lpi.nsw.gov.au/geog/

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 PO Box 143
 Bathurst NSW 2795

LOCAL GOVERNMENT ACT 1993

Corindi Sewerage - S896

Vesting of land and easements in Pristine Waters Council

THE Minister for Land and Water Conservation of the State of New South Wales, declares that the land and easements described in the Schedule hereto, which were acquired for the purpose of the Corindi Sewerage - S896 Scheme are vested in Pristine Waters Council.

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

SCHEDULE

LAND

Lot 371 in Deposited Plan 1026829 (SB 55126).

INTEREST IN LAND

Easements created by dealing number 8089948 (SB55126)
 DPWS Reference 147.

LOCAL GOVERNMENT ACT 1993

South West Tablelands Water Supply

Vesting of land in Goldenfields Water County Council

THE Minister for Land and Water Conservation of the State of New South Wales, declares that the land described in the Schedule hereto, which was acquired for the purpose of the South West Tablelands Water Supply Scheme is vested in Goldenfields Water County Council.

RICHARD AMERY, M.P.,
 Minister for Agriculture and Minister for Land
 and Water Conservation

SCHEDULE

LAND

Lot 4 in Deposited Plan 862890 (SB 52186)

Lot 7 in Deposited Plan 862890 (SB 52186)

Lot 8 in Deposited Plan 862890 (SB 52186)

DPWS Reference 58

NATIONAL PARKS AND WILDLIFE ACT 1974

Coocumbac Island Nature Reserve

PLAN OF MANAGEMENT

IN pursuance of Section 76 of the *National Parks and Wildlife Act 1974* it is hereby notified that a Plan of Management for Coocumbac Island Nature Reserve has been prepared.

The plan will be on public display from 12 April to 1 July 2002.

Copies of the plan may be viewed during office hours at:

NPWS Manning Area Office
78 Hargreaves Drive
TAREE

NPWS Mid North Coast Region
Office
152 Horton Street
PORT MACQUARIE

Manning Valley Visitor
Information Centre
Manning River Drive
TAREE NORTH

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 will also be available on the NPWS web site at www.npws.nsw.gov.au.

Written representations in connection with the amendments should be forwarded by close of business on 1 July 2002 to:

The Planning Officer,
Coocumbac Island Nature Reserve
National Parks and Wildlife Service
78 Hargreaves Street
TAREE NSW 2430

Following the exhibition period the plan of management, together with all representations received, will be submitted to the National Parks and Wildlife Advisory Council for its comments and advice to the Minister for the Environment.

Your comments on this draft plan of management may contain information that is defined as "personal information" under the NSW *Privacy and Personal Information Protection Act 1998* and identifies you. Following adoption of the plan by the Minister, all submissions will be available by arrangement for inspection at the NPWS Head Office library. If you do not want your personal details to become public, please mark on your submission that you want your details to remain confidential.

KEVIN SHANAHAN,
Manager, Conservation Management Unit

NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

Endangered Ecological Community (Part 3 of Schedule 1)

Illawarra Subtropical Rainforest in the Sydney Basin Bioregion
Melaleuca armillaris Tall Shrubland in the Sydney Basin Bioregion
Milton Ulladulla Subtropical Rainforest in the Sydney Basin Bioregion

The Committee is of the opinion that these Ecological Communities are likely to become extinct in nature in NSW unless the circumstances and factors threatening their survival or evolutionary development cease to operate.

Key Threatening Process (Schedule 3)

Importation of Red Imported Fire Ants *Solenopsis invicta* Buren 1972 into NSW

The Committee is of the opinion that this threatening process could cause species, populations or ecological communities that are not threatened to become threatened.

Any person may make a written submission regarding these Preliminary Determinations, 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 17 th May, 2002.

Copies of these Determinations may be inspected at the National Parks Centre 102 George St, The Rocks, Sydney and at NPWS Area Offices or Visitors Centres during business hours.

Dr CHRIS DICKMAN,
Chairperson

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

Name and address of Licensee	Date of Granting of Licence
Mr JOSHUA ROBERT LIDDLE 4 STALLAN ST INGHAM QLD 4850	8 April 2002

POISONS AND THERAPEUTIC GOODS ACT, 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the order prohibiting Wayne Stuart Gow of 3/28-30 Veron Street, Wentworthville, 2145, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 103 and 105 of the Regulation, shall cease to operate from Friday 12 April 2002.

MICHAEL REID,
Director-General

Department of Health, New South Wales
Sydney, Tuesday 9 April 2002.

**POISONS AND THERAPEUTIC GOODS ACT,
1966**

Restoration of Drug Authority

IN accordance with the provisions of clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the order prohibiting Helene McKanna of 154 East Street South, Mount Morgan, 4714, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 103 and 105 of the Regulation, shall cease to operate from Friday 12 April 2002.

MICHAEL REID,
Director-General

Department of Health, New South Wales
Sydney, Tuesday 9 April 2002.

Any person may make a written submission and this should be forwarded to:

Email: guidance3@records.nsw.gov.au

or

Postal address:

Director

State Records

PO Box 516

Kingswood NSW 2747

Submissions must be received by 27 May 2002.

DAVID ROBERTS,
Director

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
Compulsory Acquisition

Cabramatta Police Station and Region Office

THE Minister for Public Works and Services, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for a public work, public offices and public buildings.

On publication of this notice in the *Government Gazette*, the land, is vested in the Minister for Public Works and Services as Constructing Authority under section 4 of the Public Works Act, 1912.

MORRIS IEMMA, M. P.,
Minister for Public Works and Services

SCHEDULE

LAND

Lot B in Deposited Plan 382309.

DPWS Reference 144.

STATE RECORDS ACT 1998

PURSUANT to the provisions of section 13 of the *State Records Act 1998*, the State Records Authority of New South Wales ('State Records') hereby gives notice that it proposes to approve the following Australian Standards as codes of best practice for records management by public offices:

AS ISO 15489.1 Records Management – Part 1: General

AS ISO 15489.2 Records Management – Part 2: Guidelines

Copies of the standards may be consulted at the Sydney Records Centre, 2 Globe Street, The Rocks, Sydney, or at the Western Sydney Records Centre, 143 O'Connell Street, Kingswood, during business hours. For copyright reasons the standards cannot be made available on State Records' Web site but can be purchased from Standards Australia. More information may be obtained by contacting Kate Cumming on (02) 8276 5628.

**STATUTORY AND OTHER OFFICES
REMUNERATION ACT 1975**

Report and Determination pursuant to Section 14 of the
Act – Public Defenders

THE Premier of New South Wales, the Hon Bob Carr MP, by letter of 11th December 2001 has directed the Tribunal, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975, to review the duties and responsibilities of Public Defenders and to make determinations on the appropriate levels of remuneration.

The Tribunal invited submissions and these were received from the Senior Public Defender with whom the Tribunal met to discuss various aspects of that submission.

Background:

1. The Public Defenders Act 1995 was introduced following the 1994 Report of the Public Accounts Committee. The legislation maintains the independence of Public Defenders and provides for the accountability of the Senior Public Defender to the Attorney General and of Public Defenders to the Senior Public Defender.
2. The Act widened the scope of Defenders to include committal, bail and parole hearings and hearings before the Mental Health Review Tribunal.
3. In 2001 the Act was amended to provide for the Attorney General or Senior Public Defender as his delegate to approve the briefing of Public Defenders by the Legal Representation Office for persons who might not otherwise qualify as legally assisted persons under the Public Defenders Act.
4. The Crimes (Sentencing Procedure) Act 1999 under Section 38(2) permits the Public Defender to do any one or more of the following:
 - Oppose or support the giving of the guideline judgement by the Court;
 - Make submission with respect to the framing of the guidelines;
 - Inform the Court of any relevant pending appeal with respect to sentence;
 - Assist the Court with respect to any relevant matter.
5. The Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001 requires the Crown and Defence in designated complex trials to disclose certain information to each other about the content and manner of conduct of their respective cases. For the defence counsel this is an historic and substantial departure from the way trials have been conducted.

6. The core function of Public Defenders is to advise and represent legally assisted and accused in serious criminal matters. This includes appearing in criminal trials and serious sentence matters in the District and Supreme Courts. Public Defenders appear in a significant percentage of the homicide trials, sentences and appeals in the State. Public Defenders regularly appear in appeals in the Court of Appeal, the Court of Criminal Appeal and the High Court. They advise the Legal Aid Commission on the merits of such appeals.
7. The Public Defenders have a commitment to collect, maintain and improve an accurate body of statistical information on the work carried out under the Act.

Submissions from Senior Public Defenders:

8. The current submission points out, *inter alia*:
 - The professional culture of the Public Defenders is very much that of an independent bar at its best. This is an essential element of a justice system worthy of the name.
 - The core business of the Public Defender has changed markedly in the level of seriousness and volume of work done.
 - At present in addition to the Senior Public Defender and the Deputy Senior Public Defender there are twenty Public Defenders. The Senior Public Defender has a statutory duty to manage the office and to report directly to the Attorney General. This has been the case since the 1995 Act.
 - The Crimes (Sentencing Procedure) Act 1999 and the Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001 has led to a significant increase in the level and complexity of work.
 - Recent significant changes include:
 - (a) A rationalisation of work between the Defenders and the solicitor advocates of the Legal Aid Commission in the District Court has led to the Defenders taking on those matters with the higher level of complexity.
 - (b) an increased proportion of work in the Supreme Court (mainly murder trials) and the Court of Criminal Appeal. The work before the Court of Criminal Appeal has increased by nearly 100 per cent.
 - (c) The present levels of remuneration are not comparable with those at the private bar.
 - (d) Defenders do not receive overtime payments, time in lieu or flexi leave or the right to accumulate flexi leave. They do however receive 8 weeks annual leave.
 - (e) Public Defenders and Crown Prosecutors have and should continue to have parity of remuneration.
 - (f) The base level of remuneration for Defenders should be not less than 75 per cent of that received by a District Court Judge.

Conclusions:

9. Public Defenders play a significant role in the effectiveness and integrity of the Criminal Justice System.
10. The issue for determination is whether their current remuneration is appropriate and whether the special adjustments of 3 per cent in 1997 and 3.2 per cent in 1998 have already given them adequate compensation for changes in work value.
11. The Tribunal is satisfied that the legislative changes in 1999 and 2001 together with the increasing amount of representation in the Supreme Court and the Court of Criminal Appeal has resulted in a significant increase in the work value of these positions.
12. The Tribunal has previously not agreed to a fixed percentage relationship between Public Defenders and Judges. However, the Tribunal has now concluded as a result of this work value review that the existing nexus between Public Defenders and Crown Prosecutors should be maintained.
13. After considering the above and after having regard to the views of the Assessors, the Tribunal determines that the remuneration of the office of Senior Public Defender should be \$189,735.
14. The Tribunal further determines that the rate for the Deputy Senior Public Defender shall be \$170,760 and for a Public Defender it shall be \$156,000.
15. The Tribunal also concludes that any further adjustment would require demonstration that there has been a significant net increase in work value requirements after April 2002.

DETERMINATION

The Tribunal determines, pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, that the remuneration of the offices of Senior Public Defender, Deputy Senior Public Defender, and Public Defender shall be as follows with effect on and from 2 April 2002.

Senior Public Defender	\$189,735
Deputy Senior Public Defender	\$170,760
Public Defender	\$156,000

Statutory and Other Offices Remuneration Tribunal

GERRY GLEESON

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

Report and Determination pursuant to section 14 of the Act – Crown Prosecutors

THE Premier of New South Wales, the Hon Bob Carr MP, by letter of 11th December 2001 has directed the Tribunal, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975, to review the duties and responsibilities of Crown Prosecutors and to make determinations on the appropriate levels of remuneration.

Background:

1. The last wide ranging review of the Crown Prosecutor classifications was made by the Tribunal in 1989.
2. Currently there are three classifications of Crown Prosecutor, namely,
 - Senior Crown Prosecutor (1 position)
 - Deputy Senior Crown Prosecutor (12 positions)
 - Crown Prosecutors (81 positions)
3. The functions of Crown Prosecutors as set out in Section 5 of the Crown Prosecutors Act 1986, are as follows:
 - To conduct, and appear as counsel in proceedings on behalf of the Director of Public Prosecutions (the Director);
 - To find a bill in indictment in respect of an indictable offence, whether or not the person concerned has been committed for trial in respect of the offence;
 - To advise the Attorney General or Director in respect of any matter referred for advice by either of them; and
 - To carry out such other functions of counsel as the Attorney General or Director approves.
4. The 1986 Act provides that Crown Prosecutors are separate and distinct from the Director of Public Prosecution (DPP) and his or her officers. They continue to perform their functions of finding bills of indictment, appearing as counsel in the Supreme Court and District Court and providing expert advice on criminal matters. They perform these functions on behalf of DPP.
5. The Crown Prosecutors are statutory appointees. Their independence as counsel is preserved and this independence provides the necessary freedom to conduct trials as counsel and to provide advice on a professional and unfettered basis.
6. The Director of Public Prosecutions Act 1986 empowers the DPP to issue guidelines to Crowns but not as to individual cases.
7. The current remuneration of Crown Prosecutors is \$147,450. In addition Crown Prosecutors receive the superannuation guarantee levy of 8 per cent, to become 9 per cent on 1st July 2002, plus eight weeks annual leave.
 - The Crowns now find themselves at the forefront of the "Law and Order" issue and their work is subject to much greater public and government scrutiny;
 - There has been a large increase in appeals to the higher courts. There are now 8 Crowns engaged full time in the conduct of appeals at the NSW Court of Criminal Appeal. The Evidence Act 1995 has resulted in appeals becoming increasingly more complicated with the law of evidence now being much more technical;
 - The Criminal Procedure Amendment (Pre Trial Disclosure) Act 2001 which has as its purpose the pre trial disclosure between the prosecution and defence increases the need for more careful preparation in the first instance. The consequences of a mistake could be very serious and puts greater pressure on the Crown to get things right the first time in case the Court decides that the Crowns should not be allowed to change course.
 - The large disparity in salary between Magistrates and Crown Prosecutors cannot be justified. Magistrates simply are not involved in the higher areas of the criminal law other than in relation to committal proceedings.
 - The eight weeks leave of absence allowed to Crowns should not be seen as a factor to be weighed against Crowns having their salary properly increased. Many of the present Crowns would not be prepared to take their positions without this powerful incentive.
 - A report commissioned from Mercer Cullen Egan Dell recommends a salary for Prosecutors within the range of \$150,000 to \$170,000.

Submissions from the Crown Prosecutors:

8. The submissions point out, inter alia,
 - There have been further significant developments affecting their duties and the environment under which these duties are performed;
 - The personal responsibility of the Crown for the conduct of cases is becoming increasingly more difficult;
 - The "Victims' Rights" movement has markedly affected the Crowns' working environment;
 - The practice of crime victims to express their dissatisfaction via the media is becoming more widespread;
9. Crown Prosecutors play a significant role in the effectiveness and in the integrity of the Criminal Justice system. The issue for determination is whether their current work value is adequately remunerated and whether the special adjustment of 3 per cent in October 1996 and 3.12 per cent in October 1998 have already given them adequate compensation for changes in work value.
 10. Unlike the Senior Executive Service these officers are not eligible for Recruitment or Retention Allowance. Their remuneration is a fixed sum determined by the Tribunal plus the superannuation guarantee levy of \$8,416.
 11. The Tribunal is satisfied that the legislative changes in 1999 and 2001 together with the increasing appellant work at the NSW Court of Criminal Appeal has resulted in the significant net addition to the work value to warrant increased remuneration.
 12. The Tribunal has previously not agreed to a fixed relationship between Crown Prosecutors and Judges but has now concluded that a fixed percentage relationship is justified between Crown Prosecutors and the Deputy Directors of Public Prosecutions.

Conclusions:

13. After considering the above and after having regard to the views of the Assessors, the Tribunal determines that the remuneration of the office of Senior Crown Prosecutor should be \$189,735. This sets the remuneration of Senior Crown Prosecutor at 90 percent of that of the Deputy Directors of Public Prosecutions.
14. The Tribunal further determines that the rate for the Deputy Senior Crown Prosecutor shall be \$170,760 and for a Crown Prosecutor it shall be \$156,000. This sets the remuneration of these office holders at 81 percent and 74 percent respectively of that of the Deputy Directors of Public Prosecutions.
15. The Tribunal also concludes that any further adjustment would require demonstration that there has been a significant net increase in work value requirements after April 2002.

DETERMINATION

The Tribunal determines, pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, that the remuneration of the offices of Senior Crown Prosecutor, Deputy Senior Crown Prosecutor, and Crown Prosecutor shall be as follows with effect on and from 2 April 2002.

Senior Crown Prosecutor	\$189,735
Deputy Senior Crown Prosecutor	\$170,760
Crown Prosecutor	\$156,000

Statutory and Other Offices Remuneration Tribunal

GERRY GLEESON

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

Report and Determination pursuant to section 14 of the Act – Deputy Directors, Public Prosecutions

THE Premier of New South Wales, the Hon Bob Carr MP, by letter of 11th December 2001 has directed the Tribunal, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975, to review the duties and responsibilities of the Deputy Directors, Public Prosecutions and to make determinations on the appropriate levels of remuneration.

The Tribunal received submissions from the Deputy Directors of Public Prosecutions and the Director of Public Prosecutions. The Tribunal met with the Deputy Directors in their chambers and discussed various aspects of that submission.

Background:

1. The Director of Public Prosecutions Act 1986 provided, *inter alia*, for the establishment of positions of Director and Deputy Director of Public Prosecutions.
2. In November 1996 the Tribunal carried out a special review of the remuneration of the Deputy Director following a restructure in the office of the Director of Public Prosecutions. As a result, the Tribunal determined a special adjustment of 6 per cent from

November 1996.

3. In 2000 the Tribunal considered the issue of increased delegations and responsibilities of the two positions and determined a further special adjustment of 4.37 per cent. These adjustments were in addition to economic adjustments that applied from 1st October each year.

Submissions from Deputy Directors:

4. The submissions point out, *inter alia*:
 - Their remuneration be linked to that of a District Court Judge. In addition, the Director, Public Prosecutions, has written and recommended they have access to the Judges' Pension Scheme. The Director submitted that access to the Judges' Pension Scheme;

“would assist in both attracting to the office a more competitive field of better qualified applicants and retaining in office persons with experience or expertise that is now commonly lost by subsequent appointment to the District Court”.
 - The Director has delegated all his functions under the 1986 Act to each Deputy Director. This means that the Deputy Directors have delegated authority on the following functions:
 - (a) determining that no bill of indictment be found, in respect of an indictable offence, in circumstances where the person concerned has been committed for trial;
 - (b) directing that no further proceedings be taken against a person who has been committed for trial or sentence;
 - (c) finding a bill of indictment in respect of an indictable offence, in circumstances where the person concerned has not been committed for trial;
 - (d) appealing under section 5D of the Criminal Appeal Act 1912 to the Court of Criminal Appeal against a sentence.
 - An evaluation report from Cullen Egan Dell that concluded that

“the positions as they have evolved since 1986 carry onerous responsibilities of both a legal and administrative nature.”
 - In the year 2000/2001 they directed no further proceedings in 380 cases and that these directions are not subject to appellat review. Further, this type of work requires the highest level of professional integrity, knowledge, experience and dedication.
 - They carry the burden of one of the largest High Court practice in Australia. In 2000/2001 there were 40 such cases compared with only 21 in the preceding year.
 - The Director has significant overseas commitments as a consequence of his international roles and because of this the Deputy Directors regularly share the Director's responsibilities in his absence.

- The Director's Chambers heads the Office of the Director of Public Prosecutions and the Crown Prosecutors Office of NSW. Prosecutorial matters are referred to the Director's Chambers for direction and final decision making. Such matters include decisions to prosecute, to appeal and to discontinue a matter where an accused has been committed for trial or sentence. Also, final authorisation and decision on matters submitted from Crown Prosecutors and solicitors, the defence and police.
- In March 2001, Cullen Egan Dell concluded that for similar positions in the employment market typical total employment cost remuneration packages at the market median would be in the order of \$226,370 per annum. It recommended that the Premier's Department approval be given to the full use of Retention Allowance of up to \$26,000 for this position in accordance with the SES practice.

Conclusions:

5. The duties and responsibilities of these positions are extremely onerous. They are highly complex, often controversial and subject to public scrutiny and they require the utmost integrity and fairness.
6. The integrity of the criminal justice system in this State is highly dependant upon the decision making in this Office. Two Deputy Directors exercise all the authority of the Director under his delegation.
7. The issue then is whether the adjustments made in 1996 and in 2000 adequately to recognise the work value of the two positions.
8. The question of a Judicial pension is a matter of Government policy and not for this Tribunal. However, it is pertinent that in addition to the remuneration fixed by the Tribunal the officers receive a superannuation guarantee levy payment of \$8,416, six weeks leave and they have access to a motor vehicle under the salary sacrifice scheme.
9. While in the past the Tribunal has not accepted that the remuneration should have a direct percentage relationship with the Judges Magistrates and Related Group, the Tribunal now believes that a fixed percentage relationship with the Director of Public Prosecutions is appropriate.
10. After considering the above and after having regard to the views of the Assessors, the Tribunal determines that the remuneration of the Deputy Directors of Public Prosecutions should be \$210,815. This sets the remuneration of the Deputy Directors of Public Prosecutions at 90 percent of that of the Director of Public Prosecutions.
11. It is pointed out that the Director's remuneration contains an amount of \$13,400 for provision of a motor vehicle and therefore a decision to grant 90 per cent parity includes an amount of \$12,060 towards the cost of such a vehicle.
12. The Tribunal also concludes that any further work value adjustment would require demonstration that there has been a significant net increase in work value requirements after April 2002.

DETERMINATION

The Tribunal determines, pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, that the remuneration of the offices of Deputy Directors of Public Prosecutions shall be \$210,815 with effect on and from 2 April 2002.

Statutory and Other Offices Remuneration Tribunal

GERRY GLEESON

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

Report and Determination pursuant to section 14 of the Act – Commissioners of the Land and Environment Court

1. The Premier of New South Wales, the Hon Bob Carr MP, by letter of 11th December 2001 has directed the Tribunal, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975, to review the duties and responsibilities of the Commissioners of the Land and Environment Court and to make determinations on the appropriate levels of remuneration.
2. The Tribunal invited submissions and these were received from the Commissioners, the Chief Judge of the Land & Environment Court, Mr Justice Sheahan and Mr Peter Jensen. Interviews were held with representatives of the Commissioners and the Tribunal visited the Court while hearings were in progress.
3. This review is a work value review and no regard has been given to the economic movements since the 2001 August determination.

Background:

4. The positions of Senior Assessor and Assessors, Land and Environment Court were first established in 1980. In 1999 these titles were changed to Senior Commissioner and Commissioner because of the changing duties and responsibilities of the positions.
5. In October 1996 there was a special adjustment of 3 per cent and in October 1998 a further special adjustment of 9.13 per cent. These adjustments had regard to the increased work values of the positions and complexities of the matters being dealt with and decided upon.
6. In 2000 the Commissioners sought an additional adjustment and parity with Magistrates but this was not granted in the 2000 and 2001 determinations of the Tribunal.
7. In addition to salary, Commissioners receive the superannuation guarantee levy of 8 per cent to become 9 per cent on 1st July. They are also entitled to four weeks annual leave and are rostered for work during the law vacations. The Commissioners are eligible to acquire cars on a salary sacrifice basis. The use of their personal car is not compulsory and for work away from their headquarters they have access to a departmental vehicle. If they use their private car for official purposes then car mileage allowances are paid.

Submissions from Commissioners:

8. The current submission points out, inter alia,
 - The judicial nature of the Commissioners' work;
 - The skills, qualifications, experience and expertise of Commissioners;
 - The increased workload;
 - The increased complexity of planning legislation and planning instruments;
 - The increasing range of expertise in the evidence before the Court;
 - The independence and finality of the Commissioners' decisions;
 - The cost and significance of the projects determined by Commissioners
9. The Commissioners have sought parity with the remuneration of Magistrates.
10. The Chief Judge of the Court has emphasised the following important features of their role and responsibilities:
 - The Commissioners are concerned with public law involving the citizen and local government;
 - Many of the developments with which they are concerned are of significant monetary value and have significant planning and environmental implications;
 - The technical planning matters with which they are concerned are complex and specialised;
 - The law which they are required to apply is also complex and voluminous.
11. Other matters put forward for the consideration of the Tribunal were:
 - At the direction of the Chief Judge the Commissioners exercise the Court's jurisdiction in Classes 1, 2 and 3 matters either individually or with another Commissioner. These matters deal with development, building and valuation issues.
 - The Commissioners must carry out their duties in the manner of judicial officers. They operate under the umbrella of the Court and not as a lay tribunal. They are an integral part of the legislative framework for environmental decision-making.
 - Commissioners require expertise and experience developed over many years. Their qualifications show that they span a range of disciplines including law, town planning, architecture, environmental science, engineering and management.
 - The Court "stands in the shoes" of the local councils which have made the original determinations. An appeal involves a fresh hearing and the Court is not bound by the original decision of the consent authority.
 - The Environmental Planning and Assessment (Amendment) Act 1998, brought about a major reform of development control in the State. The Court is now the consent authority in relation to both planning and building matters.

- There is a great variety of planning instruments. In addition the 173 local councils prepare development control plans designed to provide more detailed controls. The Court must often take into account several instruments which are sometimes inconsistent with one another.

Conclusions:

12. The Government has recently had a public review of the role of the Land and Environment Court and has reaffirmed the responsibilities of the Commissioners.
13. There is an increasing complexity within the many planning instruments and increasing public concern and sensitivity with planning matters. As a consequence, the Commissioners are under public scrutiny and carry heavy responsibilities in their decision making.
14. The issue for the Tribunal is whether the remuneration adjustments made in 1998 have adequately compensated for the increased work value and for changes since then.
15. Unlike the Senior Executive Service, the Commissioners are not eligible for recruitment and retention allowances. Their remuneration is a fixed sum determined by the Tribunal plus the superannuation guarantee levy of 8 per cent (\$8,416).
16. Commissioners have consistently sought parity with Magistrates whose remuneration is fixed at 80 per cent of that of a District Court Judge. The Tribunal has not been prepared in the past to grant parity with the Magistrates and as a result of this review that opinion remains. Further, it has been the practice of the Tribunal not to set the remuneration as a percentage of judicial rates. However, the Tribunal has now concluded as a result of this work value review that the remuneration of Commissioners ought to be set in a relationship to Judges of the Land and Environment Court.
17. After considering the above and after having regard to the views of the Assessors, the Tribunal determines that the remuneration of the office of Commissioner, Land and Environment Court should be \$154,600. This sets the remuneration of Commissioners at 66 percent of that of a Judge of the Land and Environment Court. Since the remuneration of a Judge includes the allowance of \$13,400 to assist with the provision of a motor vehicle, it means that remuneration for Commissioners also incorporates an amount of approximately \$8,800 for this purpose.
18. In respect of the Senior Commissioner, Land and Environment Court, the Tribunal determines that the rate for this office shall be \$159,285. This sets the remuneration of the Senior Commissioner at 68 percent of that of a Judge of the Land and Environment Court.
19. The Tribunal also concludes that any further adjustment would require demonstration that there has been a significant net increase in work value after April 2002.

DETERMINATION

The Tribunal determines, pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, that the remuneration of the offices of Senior Commissioner and Commissioner, Land and Environment Court shall as follows with effect on and from 2 April 2002.

Senior Commissioner (Land and Environment Court)	\$159,285
Commissioner (Land and Environment Court)	\$154,600

Statutory and Other Offices Remuneration Tribunal

GERRY GLEESON

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

Report and Determination pursuant to section 14 of the Act – Commissioners, Industrial Relations Commission

1. The Premier of New South Wales, the Hon Bob Carr MP, by letter of 11th December 2001 has directed the Tribunal, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975 to review the duties and responsibilities of Commissioners, Industrial Relations Commission and to make determinations on the appropriate levels of remuneration.
2. The Tribunal invited submissions and these were received from the Commissioners with whom interviews were held. The President, the Hon Justice L Wright, was also interviewed.
3. This review is a work value review and no regard has been given to the economic movements since the August 2001 determination.

Background:

4. The last in depth review of the role and responsibilities of the Industrial Relations Commissioners was carried out in 1990 and at that time an evaluation was made by Cullen Egan Dell, remuneration consultants.
5. The Commissioners received special adjustments of 3 per cent in 1997 and 3.12 per cent in 1998. The Commissioners now seek an increase from \$147,450 to \$175,860 per annum, that is, 75 per cent of the remuneration of a Deputy President of the Industrial Relations Commission, and submit that this nexus should be determined by the Tribunal.
6. In 1996 the Commissioners were included as Judicial Officers pursuant to the Judicial Officers Act, 1986 and therefore they submit they are incorrectly and inappropriately grouped within the Public Office Holders Group rather than in the Judges, Magistrates and Related Group (as is a Deputy President whose statutory role and powers are common to those of Commissioners).
7. In addition to salary, Commissioners receive the superannuation guarantee levy of 8 per cent to become 9 per cent on 1st July. They are also entitled to four weeks annual leave and are rostered for work

during the law vacations. The Commissioners are entitled to acquire motor vehicles on a salary sacrifice basis and be paid mileage allowance *in particular circumstances*. They are also paid mileage allowance if they use a private car. A limited use of pool cars is also available.

Submission:

8. The current submission from Commissioners points out, inter alia:
 - The workload of Commissioners continues to increase and diversify with significant and substantial increases to the range of duties and the level of responsibilities, particularly in recent years.
 - The role and responsibilities of Commissioners in NSW are greater than those of their counterparts in other States with some functions being unique to Commissioners in NSW.
 - NSW Commissioners are least remunerated by reference to salary and motor vehicle provision when compared with their inter-State and Federal counterparts.
 - In most jurisdictions the salary level of Commissioners is fixed as a percentage of the immediately more senior member of the Tribunal (who is known as a Deputy President).
 - The principal legislation governing the role of Commissioners has changed twice over the last decade leading to enhanced jurisdiction, accountability and a quantitative increase in the central workload and country travel with the range of functions increased and diversified.
 - Once the “significant net addition to work value” has been established as is the case of the Commissioners, the Tribunal is entitled to determine the Commissioners’ remuneration by reference to other positions whose role may be considered similar in task, accountability and the conditions under which it is performed.
 - The changes to the principal legislation and other related legislation that requires Commissioners to continually update their knowledge and practice, for example over recent years:
 - o *Industrial Relations Amendment Act 2000*
 - o *Industrial Relations Amendment (Council Swimming Centres) Act 2000*
 - o *Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000*
 - o *Evidence Act 1995*
 - o *Privacy and Personal Information Protection Act 1998*
 - o *Occupational Health and Safety Act 2000*
 - o *Child Protection (Prohibited Employment) Act 1998*
9. Commissioners argue that their conditions suffer by way of comparison with Commonwealth Commissioners. The rate for a Deputy President contains a \$13,400 allowance primarily for acquisition of vehicle and therefore if the rate for a Commissioner

is established with a percentage relationship to Deputy Presidents then this amount contains a contribution towards acquisition of a vehicle.

Conclusions:

10. The issue for the Tribunal is whether the remuneration adjustments made in October 1997 and October 1998 have adequately compensated for the increased work value in those years and for changes since 1998.
11. The Tribunal agrees that the remuneration of Commonwealth Commissioners is significant but less significant is the comparison with remuneration in other various States. For example, the remuneration of Deputy Presidents in the Commonwealth and some States, including NSW, varies considerably.
12. Unlike the Senior Executive Service, the Commissioners are not eligible for recruitment and retention allowances. Their remuneration is a fixed sum determined by the Tribunal plus the superannuation guarantee levy of 8 per cent (\$8,416).
13. Commissioners have emphasised that there is increased diversity work being undertaken. The statistics show that the number of disputes and the number of awards have remained fairly constant over the past five years. The large increase in work and which is currently being maintained is in relation to unfair dismissals. The nature of unfair dismissal cases is becoming more diverse.
14. One important addition to the role has been in the area of child protection where the Commissioners now have authority to arbitrate on applications for persons to be exempted from the Child Protection (Prohibited Employment) Act 1998. The President decides on the allocation of these matters and to date has referred applications to Deputy Presidents.
15. A major issue for consideration by the Tribunal is the comparison of the roles and responsibilities carried out by Commissioners *vis-à-vis* Deputy Presidents. The jurisdiction of Commissioners (and Deputy Presidents) include appeal benches where they sit as equal members on Full Benches considering appeals against decisions of a Presidential member or Commissioner sitting alone; State decisions where they sit as equal members on Full Benches considering such matters as State Wage Cases, Pay Equity and Enterprise Agreement principles; and Awards where they carry out conciliation and arbitration of applications for new awards or award variations.
16. Within the light of the foregoing the Tribunal has concluded that there has been a net addition to the work value in recent years. While the Tribunal in previous determinations has not been prepared to determine a link with the remuneration of the Deputy Presidents it has now concluded that a such percentage relationship with Deputy President would be appropriate.
17. After considering the above and after having regard to the views of the Assessors, the Tribunal determines that the remuneration of the office of Commissioner, Industrial Relations Commission should be \$154,600. This sets the remuneration of Commissioners at 66 percent of that of a Deputy President of the Industrial Relations Commission. Since the remuneration of a Deputy President includes the allowance of \$13,400 to assist with the provision of a motor vehicle, it means that remuneration for Commissioners also incorporates an amount of approximately \$8,800 for this purpose.
18. The Tribunal also concludes that any further adjustment would require demonstration that there has been a significant net increase in work value requirements after April 2002.

DETERMINATION

The Tribunal determines, pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, that the remuneration of the office of Commissioner, Industrial Relations Commission shall be \$154,600 effective on and from 2 April 2002.

Statutory and Other Offices Remuneration Tribunal

GERRY GLEESON

HERITAGE ACT, 1977

Direction pursuant to section 34(1)(A)
To list an Item on the State Heritage Register
Wynstay, 68-78 The Avenue, Mt Wilson
SHRNO 1520

IN pursuance of Section 34(1)(a) of the Heritage Act, 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of the environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Sydney, 1 April, 2002.

SCHEDULE "A"

The property known as Wynstay, 68-78 The Avenue, Mt Wilson, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 2 DP 539465, Part Lot 1 DP 1650738, Part Portion 36,37,39 DP 650738, as shown edged heavy black on the plan catalogued HC 1904 in the office of the Heritage Council of New South Wales.

HEALTH SERVICES ACT 1997
SCALE OF FEES FOR HOSPITAL AND
OTHER HEALTH SERVICES

PURSUANT to section 69 of the Health Services Act 1997, I, ROBERT DONALD MCGREGOR, Acting Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this notice hereby amend the "Order amending the Scale of Fees for Hospital and Other Health Services," published in the Special Supplement No.124 to the *Government Gazette* of 10 August 2001, as set out in the Schedule below.

Acting Director-General

—————
 SCHEDULE

delete in its entirety "Part 2 – OUTPATIENT PHARMACEUTICAL SCRIPT CHARGES" and insert instead, the following matter:

**PART 2 – OUTPATIENT PHARMACEUTICAL
 SCRIPT CHARGES**

Provided to outpatients of public hospitals Charge per script item

2A. Eligible Patients

2A.1 Contribution rate for general patients, as defined under the National Health Act 1953 of the Commonwealth, who produce evidence of Medicare card or number entitlement to pharmaceutical benefits Such amount as may be determined from time to time by the Commonwealth under the National Health Act 1953, subject to any safety net threshold entitlements and concessional rates applicable under that Act for the relevant entitlement period

2A.2 Contribution rate for concessional beneficiaries as defined under the National Health Act 1953 of the Commonwealth Such amount as may be determined from time to time by the Commonwealth under the National Health Act 1953, subject to any safety net threshold entitlements and concessional rates applicable under that Act for the relevant entitlement period

2B. Ineligible patients

2B.1 Persons such as overseas visitors who have no Medicare card or number or special number entitlement under the National Health Act 1953 of the Commonwealth to pharmaceutical benefits The actual cost of each pharmaceutical script item, or such amount as shall be applicable from time to time under item 2A.1, whichever is the greater

2B.2 Overseas visitors from countries with which Australia has a Reciprocal Health Care Agreement and who require the item(s) for their **urgent** medical treatment Such amount as shall be applicable from time to time under item 2A.1.

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:

17 April 2002

024/7246 PRINTING AND DISTRIBUTION SERVICES. DOCUMENTS: \$55.00 PER SET.

7 May 2002

491 XRAY/MEDICAL IMAGING FILM, PROCESSING CHEMISTRY & ASSOCIATED EQUIPMENT.
DOCUMENTS: \$110.00 PER SET

IT02/2820 PROVISION OF A HEALTH ADVISORY SERVICE. DOCUMENTS: \$220.00 PER SET

IT 02/2821 PROVISION OF OUTCOME BASED CLINICAL DECISION SUPPORT SOFTWARE.
DOCUMENTS: \$220.00 PER SET

8 May 2002

003/7088 HIRE OF MOBILE CRANES TRAVEL TOWERS, TRANSPORT TRUCKS WITH OPERATORS.
DOCUMENTS: \$110.00 PER SET.

15 May 2002

025/7243 SUPPLY/INSTALL OF ALARM SYSTEMS - DEPARTMENT OF EDUCATION & TRAINING.
DOCUMENTS: \$550.00 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>)

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.

Two weeks closing Monday 29th April 2002

Tender Number: 27375

Tenders are invited on the behalf of the NSW Department of Education and Training, for the production and implementation of the Computer Skills Assessment project. The Tenderer must provide proper security facilities and resources to undertake all tasks as specified in the tender document. The Computer Skills Assessment is a new testing assessment and will be a pilot program in 2002. The Computer Skills Assessment is in two parts. The first assessment is a written test administered to Year 6 students in 180 selected schools throughout NSW. The second assessment is a practical test. This tender is for the first part of the Assessment and the packing and distribution of both parts.

The Tender is broken down into two parts.

These parts are:

Part A Production of test material and electronic data capture (including scanning and editing)
Part B Pack and distribution of test material

Tenderers may submit prices for the complete tender one Part only.

For further information contact Kim Cooper on 9743 8777

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Road Act 1993, Section 162 (1)

Road Naming

NOTICE is hereby given that the Bega Valley Shire Council has pursuant to section 162 (1) of the Roads Act named that section of road as describe hereunder:

<i>Description of Road</i>	<i>Name</i>
That section of road at South Pambula that extends south at a point approximately 1.3 kilometres along the Mount Darragh Road	Drive In Road.

Authorised by a Council Resolution of 26th February 2002. D. G. JESSON, General Manager, Bega Valley Shire Council, Zingel Place, Bega NSW 2550, tel. (02) 6499 2222. [0258]

HUME SHIRE COUNCIL

Roads (General) Regulation 2000

Naming Of Roads

NOTICE is hereby given that the Hume Shire Council, in pursuance of the provisions of the abovementioned regulation, resolved at its meeting on 18th February 2002 to name the following roads within the Village of Brocklesby:

“**Eastick Street**” – the unnamed road commencing at West Street and running south to the southern boundary of Lot 211, DP 753424 (it is unformed where it runs adjacent to Lot 211).

“**Lee Road**” – the road commencing at West Street adjacent to the Corowa/Culcairn Railway Line and running south to the southern boundary of Lot 287, DP 7532724. The northern half of this road is currently used as the access to the Brocklesby Tip. It is signposted as “Tip Road” and was gazetted as such in 1971. This will be a renaming of a portion of “Tip Road”.

PETER VENERIS, Acting General Manager, Hume Shire Council, PO Box 70, Albury NSW 2640. [0259]

KU-RING-GAI COUNCIL

Roads Act 1993, Section 162

Naming of Roads

NOTICE is hereby given that Council in pursuance of section 162 of the Roads Act 1993, has resolved that:

<i>Description of Road</i>	<i>Name</i>
The service road providing access to properties Nos 2–8 Mona Vale Road, Pymble	Mandalay Place.

Authorised by resolution of Council’s Urban and Environmental Assets Committee on 19th February 2002. RHONDA BIGNELL, General Manager, Ku-ring-gai Council, Locked Bag 1056, Pymble NSW 2073. [0260]

PITTWATER COUNCIL

Roads Act 1993, Section 16

Dedication of Land as Public Road

PURSUANT to section 16 of the Roads Act 1993, notice is hereby given that the land situated at Refuge Cove, in the Local Government Area of Pittwater, shown as part lot nine of the Villa Sites in the Pittwater Estate, being residue of the land in Book 751 No. 911, now part of Hudson Parade, is dedicated as public road. ANGUS GORDON, General Manager, Pittwater Council, PO Box 882, Mona Vale NSW 1660, tel. (02) 9970 1111. [0261]

PITTWATER COUNCIL

Roads Act 1993, Section 16

Dedication of Land as Public Road

PURSUANT to section 16 of the Roads Act 1993, notice is hereby given that the land being shown as road 100 links wide in Deposited Plan 975292 of the Centenary Estate Plan of Subdivision and known as Waterview Street, in the Local Government Area of Pittwater, is dedicated as public road. ANGUS GORDON, General Manager, Pittwater Council, PO Box 882, Mona Vale NSW 1660, tel. (02) 9970 1111. [0271]

SNOWY RIVER SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

PURSUANT to section 162 of the Roads Act 1993, Snowy River Shire Council hereby names the following roads:

<i>Description of Road</i>	<i>Name</i>
Road is located in the Lakeview Estate subdivision off Jerrara Drive at East Jindabyne	Acacia Place
Road connects Buckendarra Holiday Village to Middlingbank Road	Buckendarra Road
Road is located south of Adaminaby and connects Yens Bay Road to Snowy Mountains Highway	Happy Valley Road
Road is located north of Berridale and connects Eucumbene Road to the Gungarlin River	Nimmo Road
Loop road off the southern side of Rocky Plain Road	Stoney Creek Road

<i>Description of Road</i>	<i>Name</i>
Lane is located in the Lakeview Estate Subdivision off Jerrara Drive at East Jindabyne	Wattle Lane
Road connects Rockwell Road past "Werralong" to the fjord on the Snowy River 1km north of "Waterford".	Werralong Road
H. R. McKINNEY, General Manager, Snowy River Shire Council, Myack Street, Berridale NSW 2628. [0262]	

WINGECARRIBEE SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that Wingecarribee Shire Council in pursuance of section 10 of the Roads Act 1993, dedicates the land described in the Schedule below as public road. D. McGOWAN, General Manager, Wingecarribee Shire Council, Civic Centre, Elizabeth Street, Moss Vale NSW 2577.

SCHEDULE

Lot 3, DP 550860. [0263]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ATHANASIOS RODOPOULOS, late of 30 Ronal Street, Padstow, in the State of New South Wales, who died on 31st December 2001, must send particulars of their claim to the executor, Anne Margaret Ruth Rodopoulos, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington, within one calendar month from publication of this notice. After that time, the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 25th March 2002. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington NSW 2033, PO Box 340, Kensington NSW 1465, tel. (02) 9662 4381. [0264]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MURIEL FLORENCE BERNAUER, late of Panania, in the State of New South Wales, widow, who died on 12th September 2001, must send particulars of the claim to the executor, Barry Maxwell Case, c.o. Messrs Milford Haseldine & Williams, Solicitors, Suite 7, 2nd Floor, Compass House, North Terrace, Bankstown, within one calendar month from publication of this notice. After that time, the assets of the estate maybe conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 18th December 2002. MILFORD, HASELDINE & WILLIAMS, Solicitors, Suite 7, 2nd Floor, Compass House, North Terrace, Bankstown NSW 2200, tel. (02) 9796 1915. [0265]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DAPHNE FREDRICKA JENKINS, late of 16 Chalmers Road, Strathfield, in the State of New South Wales, widow, who died on 5th October 2001, must send particulars of the claim to the executor, Carman Camille Carter, c.o. Deacons, Lawyers, 1 Alfred Street, Sydney, GPO Box 3872, Sydney, within one calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution she has notice. Probate was granted in New South Wales on 28th February 2002. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney NSW 2000, tel. (02) 9330 8184 (DX 368 Sydney). [0267]

NOTICE of intended distribution of estate.—In the Supreme Court of New South Wales, Equity Division, Probate List.—Any person having any claim upon the estate of MIRIAM AGATHA CLANCY, late of Unit 22/10A Cope Street, Lane Cove, in the State of New South Wales and formerly of Unit 14/5–11 Dowling Street, Kensington, in the State of New South Wales, who died on 21st April 2001, must send particulars of the claim to Pauline Alana Clancy, one of the executors named in the Will dated 25th August 1997, Brian Edward Clancy, the other named executor having renounced all right to probate and to the trusts, powers and authorities expressed by the Will, c.o. Deacons, Lawyers, 1 Alfred Street, Sydney, GPO Box 3872, Sydney, within one calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 12th December 2001. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney NSW 2000, tel. (02) 9330 8000 (DX 368 Sydney). [0272]

COMPANY NOTICES

NOTICE of final meeting.—HYCRAFT AIR CONDITIONING PTY LIMITED (In liquidation).—Notice is hereby given that at a general meeting of members of the abovenamed company held on 9th April 2002, it was resolved that the company be wound up voluntarily and that for such purpose Graeme Baldwin of Baldwin & Co., Chartered Accountants, 1st Floor, 152–156 Argyle Street, Camden, be appointed liquidator of the company. BALDWIN & CO., Chartered Accountants, 1st Floor, 152–156 Argyle Street, Camden NSW 2570, tel. (02) 4655 7580. [0266]

NOTICE of final meeting.—LANROAD PTY LIMITED, A.C.N. 002 420 199.—Notice is hereby given that by a special resolution passed at a meeting of shareholders of Lanroad Pty Limited, duly convened and held on the 28th March 2002, it was resolved that the company be wound up voluntarily and that Bruce Walker of Walker Lynch Petersen, PO Box 221, Taree, be appointed liquidator. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidator within 21 days of this date,

otherwise distribution of the assets will take place without regard to such claims. Dated this 5th day of April 2002. B. WALKER, Liquidator, c.o. Walker Lynch Petersen, Chartered Accountants, 140 Victoria Street, Taree NSW 2430, tel. (02) 6552 3533. [0268]

NOTICE of final meeting convened by liquidator.—FALKO ENTERPRISES (No. 4) PTY LIMITED (In voluntary liquidation), A.C.N. 000 553 426.—Notice is given that a final meeting of the members of the company will be held at 10.00 a.m. on 10th May 2002, at Suite 9, Level 1, 32A Oxford Street, East Sydney, for the purpose of presenting an account showing how the winding up of the company has been conducted, and how the property of the company has been disposed of, and giving any necessary explanations. Dated 12th April 2002. LINDSAY DREW, Liquidator, 32A Oxford Street, Sydney NSW 2010, tel. (02) 9332 4044. [0269]

NOTICE of meeting of members.—In the matter of HELY BROTHERS PTY LIMITED (In liquidation), A.C.N. 000 005 541.—Notice is hereby given that pursuant to section 509 (2) of Corporations Act 1989, the final meeting of the above named company will be held at 1st Floor, 25 Bolton Street, Newcastle, on 23rd May 2002, for the purpose of laying before the meeting the liquidator's final account and report and giving explanation thereof. Dated this 8th day of April 2002. IAN KIRK NEALE, Liquidator, c.o. Cutcher & Neale, 1st Floor, 25 Bolton Street, Newcastle NSW 2300. [0270]
