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NEW SOUTH WALES

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LEGISLATION

Regulations



New South Wales

State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

Currently, benefits are payable under the *State Authorities Superannuation (Transitional Provisions) Regulation 1988* only to spouses of former contributors under the former Local Government Pension Fund and the New South Wales Retirement Fund and, in the case of pensions, to persons who were spouses when the former contributor concerned elected to take a pension.

The objects of this Regulation are:

- (a) to extend the entitlement to a full spouse pension to persons who have been spouses or de facto partners of deceased pensioners for the period of 3 years immediately before the pensioners' deaths and, on a pro rata basis, to persons who have been spouses or partners for a lesser period, if the spouses or partners have or had a dependent child of the particular marriage or relationship or a child of a pensioner born alive after the pensioner's death, and
- (b) to extend entitlements of spouses under the provisions relating to the former contributors or pensioners to same sex de facto partners.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 55 (the general regulation-making power) and clause 4 of Schedule 3.

Clause 1 State Authorities Superannuation (Transitional Provisions) Amendment
Regulation 2003

State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation is taken to have commenced on 19 January 2001.
- (2) Schedule 1 [8] is taken to have commenced on 29 November 2002.

3 Amendment of State Authorities Superannuation (Transitional Provisions) Regulation 1988

The *State Authorities Superannuation (Transitional Provisions) Regulation 1988* is amended as set out in Schedule 1.

State Authorities Superannuation (Transitional Provisions) Amendment
Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] **Clause 17 Pension rights—death**

Insert “or de facto partner” after “spouse” wherever occurring in clause 17 (1) and (3).

[2] **Clause 26 Pension rights—death**

Insert “or de facto partner” after “spouse” wherever occurring in clause 26 (1) and (3).

[3] **Clause 38 Election by transferred contributor to take pension benefit**

Insert “or de facto partner” after “spouse” wherever occurring in clause 38 (1).

[4] **Clause 39 Payment of pension benefit**

Insert “or de facto partner” after “spouse” in clause 39 (2).

[5] **Clause 44 Employer-financed pension—spouse or de facto partner**

Insert “or de facto partner” after “spouse”.

[6] **Clause 45 Duration of pensions**

Insert “or de facto partner” after “spouse” wherever occurring.

[7] **Clause 45 (4)**

Insert “*or de facto partner*” after “*spouse*”.

[8] **Clause 45A**

Insert after clause 45:

45A Pensions for certain spouses and de facto partners

- (1) If a pension under clause 41 or 43 is payable to a transferred contributor, on the death of that contributor a pension as referred to in clause 45 (1) (b) is, despite clause 45 (4), payable to the spouse or de facto partner of the deceased contributor if the spouse or de facto partner:

State Authorities Superannuation (Transitional Provisions) Amendment
Regulation 2003

Schedule 1 Amendments

- (a) became such a spouse or partner after the deceased contributor elected to take the pension, and
 - (b) has or had in his or her marriage or relationship with the deceased contributor a child, being:
 - (i) a child of the spouse or de facto partner and the deceased contributor who was, in the opinion of the Board, wholly or substantially dependent on the deceased contributor at any time during the marriage or relationship, or
 - (ii) a child of the deceased contributor who was conceived before and born alive after the death of the contributor, and
 - (c) had been married to or the de facto partner of the deceased contributor for 3 years or more immediately before the death of the contributor.
- (2) If a pension under clause 41 or 43 is payable to a transferred contributor, on the death of that contributor a pension as referred to in clause 45 (1) (b), reduced on a pro rata basis according to the proportion that the period of the marriage or relationship bears to 3 years, is, despite clause 45 (4), payable to the spouse or de facto partner of the deceased contributor if the spouse or de facto partner:
- (a) satisfies the requirements of subclause (1) (a) and (b), and
 - (b) had been married to or the de facto partner of the deceased contributor for less than 3 years immediately before the death of the contributor.

[9] Clause 46 Pensions in respect of children and orphans

Insert “or de facto partner” after “spouse” wherever occurring.



New South Wales

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

Currently, spouse pensions under the former Government Railways Superannuation Scheme (being superannuation allowances and pensions now paid and administered under the *State Authorities Superannuation Act 1987*) are payable only to persons who were spouses or de facto husbands or wives of pensioners or contributors when the superannuation allowance or pension first became payable to the pensioner or contributor concerned.

The objects of this Regulation are:

- (a) to extend the entitlement to a full spouse pension to persons who have been spouses or de facto partners of deceased pensioners or contributors for the period of 3 years immediately before the pensioners' or contributors' deaths and, on a pro rata basis, to persons who have been spouses or partners for a lesser period, if the spouses or partners have or had a dependent child of the particular marriage or relationship or a child of a pensioner or contributor born alive after the pensioner's or contributor's death, and
- (b) to extend entitlements of spouses under the provisions relating to the Scheme to same sex de facto partners.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 55 (the general regulation-making power) and clauses 1 and 2 of Schedule 4.

Clause 1 State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation is taken to have commenced on 19 January 2001.
- (2) Schedule 1 [4], [7] and [16] are taken to have commenced on 29 November 2002.

3 Amendment of Regulation

The *State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Regulation 1990* is amended as set out in Schedule 1.

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *SAS Board*. Insert instead:

SAS Board means the SAS Trustee Corporation established under the *Superannuation Administration Act 1996*.

[2] Clause 3, definition of “spouse pension”

Insert “or de facto partner” after “the spouse”.

[3] Clause 17 Entitlement to a spouse pension on death of transferred pensioner or transferred contributor

Omit clause 17 (1) (b). Insert instead:

(b) who was the de facto partner of the pensioner,

[4] Clause 17 (1A) and (1B)

Insert after clause 17 (1):

(1A) If a transferred pensioner who was receiving a superannuation allowance under the earlier Act immediately before the transfer date dies on or after the transfer date and is survived by an eligible person:

(a) to whom the pensioner was married, or

(b) who was the de facto partner of the pensioner,

for 3 years or more immediately before the death, then, subject to subclause (5), that person is entitled to receive a spouse pension in accordance with subclause (4).

(1B) If a transferred pensioner who was receiving a superannuation allowance under the earlier Act immediately before the transfer date dies on or after the transfer date and is survived by an eligible person:

(a) to whom the pensioner was married, or

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

Schedule 1 Amendments

(b) who was the de facto partner of the pensioner, for less than 3 years immediately before the death, then, subject to subclause (5), that person is entitled to receive a spouse pension in accordance with subclause (4), but reduced on a pro rata basis according to the proportion that the period of the marriage or relationship bears to 3 years.

[5] Clause 17 (2)

Insert “or de facto partner” after “spouse” where firstly and secondly occurring.

[6] Clause 17 (3)

Omit clause 17 (3) (b). Insert instead:

(b) who was the de facto partner of the contributor,

[7] Clause 17 (3A) and (3B)

Insert after clause 17 (3):

(3A) If a transferred contributor who is receiving a pension under this Regulation dies on or after the transfer date and is survived by an eligible person:

(a) to whom the contributor was married, or

(b) who was the de facto partner of the contributor,

for 3 years or more immediately before the death, then, subject to subclause (5), that person is entitled to receive a spouse pension in accordance with subclause (4).

(3B) If a transferred contributor who is receiving a pension under this Regulation dies on or after the transfer date and is survived by an eligible person:

(a) to whom the contributor was married, or

(b) who was the de facto partner of the contributor,

for less than 3 years immediately before the death, then, subject to subclause (5), that person is entitled to receive a spouse pension in accordance with subclause (4), but reduced on a pro rata basis according to the proportion that the period of the marriage or relationship bears to 3 years.

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

Amendments

Schedule 1

[8] Clause 17 (4)

Omit “subclauses (1)–(3)”. Insert instead “subclauses (1)–(3B)”.

[9] Clause 17 (4) (a)

Insert “or de facto partner” after “spouse” where firstly, secondly and thirdly occurring.

[10] Clause 17 (4) (b)

Insert “or de facto partner” after “spouse”.

[11] Clause 17 (5)

Insert “or de facto partner” after “spouse” where firstly, secondly and thirdly occurring.

[12] Clause 17 (6)

Insert “or de facto partner” after “spouse” where secondly, thirdly and fourthly occurring.

[13] Clause 17 (7)

Insert “or de facto partner” after “spouse” where lastly occurring.

[14] Clause 17 (11)

Insert “or de facto partner” after “spouse” where firstly occurring.

[15] Clause 17 (12)

Insert “or de facto partner” after “spouse” where firstly and secondly occurring.

[16] Clause 17 (13)

Insert after clause 17 (12):

(13) For the purposes of subclauses (1A), (1B), (3A) and (3B), a person is an *eligible person* if:

- (a) the person became the spouse or de facto partner of the transferred pensioner or contributor after the transferred pensioner or contributor became entitled to a superannuation allowance or pension, and

State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Amendment Regulation 2003

Schedule 1 Amendments

- (b) the person has or had in his or her marriage or relationship with the transferred pensioner or contributor a child, being:
 - (i) a child of the eligible person and the transferred pensioner or contributor who was, in the opinion of the SAS Board, wholly or substantially dependent on the transferred pensioner or contributor at any time during the marriage or relationship, or
 - (ii) a child of the transferred pensioner or contributor who was conceived before and born alive after the death of the transferred pensioner or contributor.

[17] Clause 18 Election by transferred contributor to take a pension benefit

Insert “or de facto partner” after “spouse” wherever occurring.

[18] Clause 19 Payment of a pension benefit

Insert “or de facto partner” after “spouse” in clause 19 (3).

[19] Clause 20 Resumption of payment of a spouse pension after suspension

Insert “or de facto partner” after “spouse” where firstly and thirdly occurring in clause 20 (1).

[20] Clause 20 (3)

Insert “or de facto partner” after “spouse” where firstly, thirdly and fourthly occurring.

[21] Clause 29 Guarantee

Insert “or de facto partner” after “spouse” wherever occurring in clause 29 (1).

OFFICIAL NOTICES

Appointments

PLANT DISEASES ACT 1924

Appointment of Inspector

I, RICHARD FREDERICK SHELDRAKE, Director-General of the Department of Agriculture, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act"), appoint John Allen BUCKLEY as an Inspector under the Act.

Dated this 21st day of March 2003.

R. F. SHELDRAKE,
Director-General

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 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
Raymond Lindsay GOBBERT (re-appointment)	Rob Roy Recreation Reserve Trust	Reserve No. 60599
John Thomas CROSS (re-appointment)		Public Purpose: Public Recreation
Robert Lyle MOORE (re-appointment)		Notified: 20 July 1928
Ian SCOTT (re-appointment)		File Reference: AE83R48/4
Simon John FILE (re-appointment)		

For a term commencing the date of this notice and expiring 31 December 2007.

DUBBO OFFICE

Department of Land and Water Conservation

142 Brisbane Street (PO Box 865), Dubbo, NSW 2830

Phone: (02) 6841 5200 Fax: (02) 6841 5231

ERRATUM

IN the notice which appeared in the *Government Gazette* of the 15 December, 1989, Folio 10922 under the heading of "Revocation of Reserves from Sale", the Part Revoked should read "Portions 156 & 157" in lieu of "Portions 190, 199, 156, 157 & 10". File No. DB89H536.

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

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

WITHDRAWAL FROM A LEASE

IN pursuance of the provisions of section 43B of the Western Lands Act 1901, the Crown land described hereunder is withdrawn from the lease specified for the purpose mentioned.

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

DESCRIPTION

Administrative District – Hillston North;
Shire – Cobar;
Parish – Euabalong; County – Blaxland

Western Lands Lease 10320.

Lessees: Kevin John THOMPSON and Doris Kathleen THOMPSON as Joint Tenants.

Area Withdrawn: 7.599 hectares being Lots 160 and 161 DP 1006400 for the purpose of "Urban Services and Access".

Area Following Withdrawal: 1680 hectares comprising Lot 162 DP 1006400.

The rental on Western Lands Lease 10320 is reduced to \$193.20 for the balance of the rental period expiring 17 July 1995 (in abeyance).

Note: Upon withdrawal, Lots 160 and 161 DP 1006400 will be reserved for "Urban Services (Emergency Airstrip) and Access"

File No. WLL 10320.

**ALTERATION OF PURPOSE OF A WESTERN
 LANDS LEASE**

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

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

Administrative District and Shire – Bourke;
Parish – East Bourke; County – Cowper

The purpose of Western Lands Leases 5156 and 9908, being the land contained within Folio Identifiers 49/751867 and 6369/769261 have been altered from "Piggery" to "Mixed Farming" effective from 6 November 2002.

Annual rental remains unaltered as a consequence of the change of purpose and the Conditions previously annexed to Western Lands Lease 5156 and 9908 have been revoked and the following Conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO
 WESTERN LANDS LEASES 5156 AND 9908

- (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 Mixed Farming.
- (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 improvement thereon.
- (11) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (12) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (13) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (14) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (15) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (16) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (17) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (18) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (19) 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.
- (20) 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.

- (21) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (22) The lessee shall comply with requirements of section 18DB of the Western Lands Act 1901 which provides that, except in the circumstances referred to in subsection (4) of that section, any native vegetation on the land the subject of the lease, and any part of the land that is protected land, must not be cleared except in accordance with the Native Vegetation Conservation Act 1997.
- (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 sub section (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.

(This condition does not apply to planted native vegetation.)
- (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 *Government 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 not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (35) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997 particularly in relation to disposal of tailwaters or waters, which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
- (36) The lessee shall not develop lands on the bank or within twenty (20) metres of the high bank of the Darling River.

SCHEDULE

COLUMN 1 Ivanhoe Regeneration Area Reserve Trust	COLUMN 2 Reserve No. 85989 Public Purpose: Regeneration Area Notified: 7 October 1966 File Reference: WL87R74.
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SCHEDULE

COLUMN 1 Menindee Racecourse Reserve Trust	COLUMN 2 Reserve No. 84041 Public Purpose: Racecourse Public Recreation Notified: 2 November 1962 File Reference: WL88R96.
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SCHEDULE

COLUMN 1 Menindee Child Care Centre Reserve Trust	COLUMN 2 Reserve No. 230014 Public Purpose: Community Purposes Notified: 6 March 1987 File Reference: WL86R301.
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SCHEDULE

COLUMN 1 Tilpa Airport Reserve Trust	COLUMN 2 Reserve No. 96846 Public Purpose: Aviation Purposes Notified: 15 July 1983 File Reference: WL86R241.
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SCHEDULE

COLUMN 1 White Cliffs Regeneration Area Reserve Trust	COLUMN 2 Reserve No. 89857 Public Purpose: Regeneration Area Notified: 2 July 1976 File Reference: WL86R192.
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SCHEDULE

COLUMN 1 White Cliffs Water Supply (Pear Tank) Reserve Trust	COLUMN 2 Reserve No. 97857 Public Purpose: Water Supply Notified: 2 August 1985 File Reference: WL86R117.
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SCHEDULE

COLUMN 1 Wilcannia Public Recreation (Union Bend) Reserve Trust	COLUMN 2 Reserve No. 85567 Public Purpose: Public Recreation Notified: 3 December 1965 File Reference: WL88R5.
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SCHEDULE

COLUMN 1 Wilcannia Regeneration Area Reserve Trust	COLUMN 2 Reserve No. 87409 Public Purpose: Regeneration Area Notified: 26 September 1969 File Reference: WL90R5.
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ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

SCHEDULE

COLUMN 1 Ivanhoe Aerodrome Reserve Trust	COLUMN 2 Reserve No. 85153 Public Purpose: Aviation Purposes Notified: 24 December 1964 File Reference: WL87R77.
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SCHEDULE

COLUMN 1 Ivanhoe Recreation Grounds Reserve Trust	COLUMN 2 Reserve No. 83596 Public Purpose: Public Recreation Notified: 1 December 1961 File Reference: WL88R12.
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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

**PLAN OF MANAGEMENT FOR A CROWN RESERVE
 UNDER DIVISION 6 OF PART 5 OF THE CROWN
 LANDS ACT 1989 AND CROWN LANDS
 REGULATION 2000**

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

Inspection of the draft plan can be made at:

1. Department of Land and Water Conservation
76 Victoria Street, Grafton NSW 2460;
2. Maclean Shire Council
50 River St, Maclean NSW 2463;
3. Clarence Regional Library
Cnr Duke and Micalo Streets, Iluka NSW 2466;
4. Clarence Regional Library
9 Stanley Street, Maclean 2463; and
5. Clarence Regional Library
Wooli Street, Yamba NSW 2464

during normal business hours.

Representations are invited from the public on the draft plan. These may be made in writing for a period of 42 days commencing from 31 March 2003 and should be sent to the Land Access Manager, North Coast, Department of Land and Water Conservation, Locked Bag 10, Grafton NSW 2460.

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

Description Of Reserve

Land District — Grafton;
Parish — Taloumbi;
Local Government Area — Maclean;
County — Clarence

Reserve 35921, notified in the *Government Gazette* of 13 June 1903 comprising Lots 364, 365, 7022, 274 and 7008 DP 751388, Lot 7025 DP 1035703 and an area of closed Crown road.
 Location: McLachlan Park, Maclean.
 File No: GF99R50. Public Purpose: Public Recreation

DECLARATION OF LAND TO BE CROWN LAND

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

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

SCHEDULE

Land District: Bellingen
 Local Government Area: Coffs Harbour City Council
 Parish: Coff
 County: Fitzroy
 Locality: Coffs Harbour

Lot	DP No.
1	1035109

Area: 6150 square metres
 File Reference: GF95 R 41.

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1

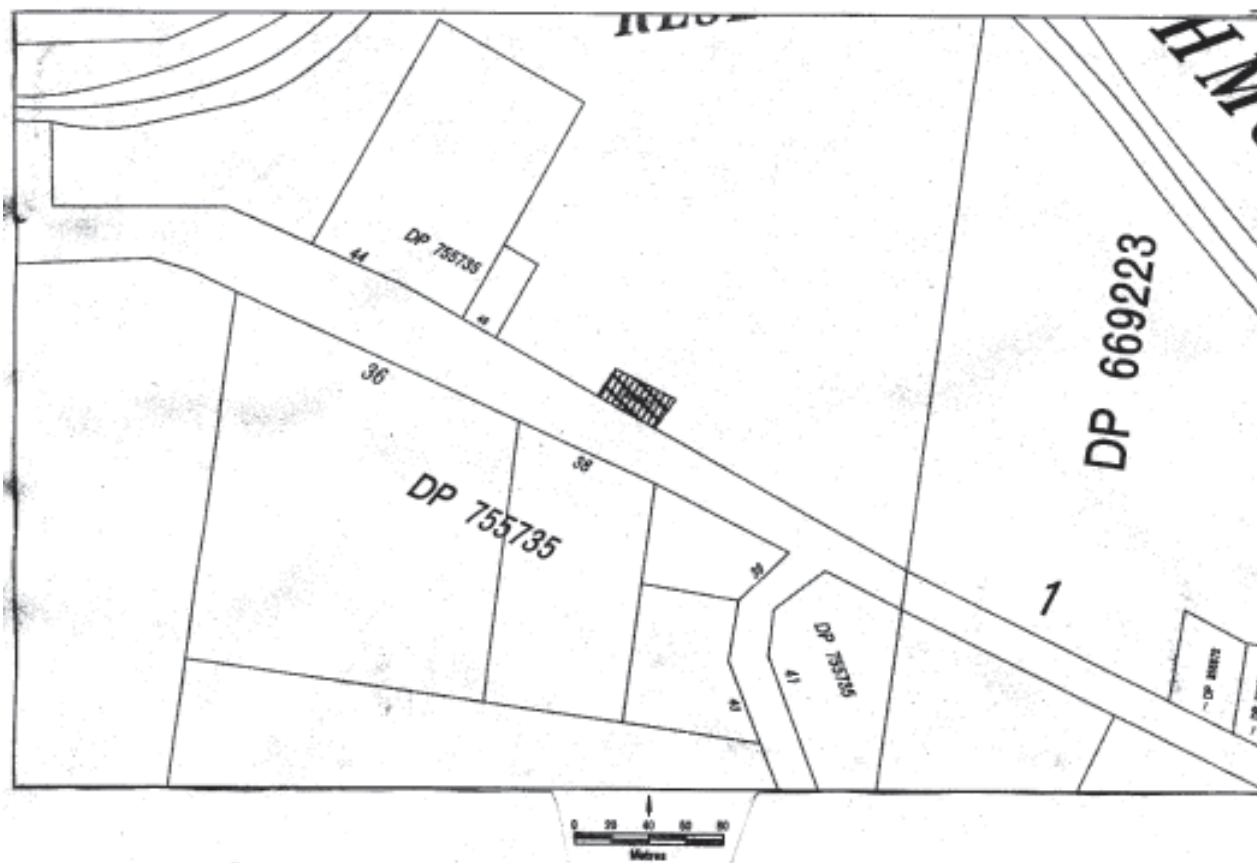
Land District: Casino
Local Government Area: Kyogle Shire Council
Locality: Grevillia
Lot D.P. No. Parish County
7002 755735# Sherwood Rous
Area: 1517m²
As shown by hatching in the diagram below.
File Reference: GF02R79

COLUMN 2

Reserve No. 70108
Public Purpose: Camping
Travelling Stock
Notified: 27 June 1941
Lot D.P. No. Parish County
7001 755735# Sherwood Rous
New Area: 9.864ha

Note: RESERVE 86722 FOR PUBLIC RECREATION, NOTIFIED 10 MAY 1968, IS HEREBY REVOKED BY THIS NOTIFICATION.

Disclaimer: #Please note that the above Lot numbers marked # are for Departmental use only.



ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land 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: Bellingen				Reserve No. 140089			
Local Government Area: Coffs Harbour City Council				Public Purpose: Caravan Park			
Locality: Coffs Harbour				Notified: 26 May 1995			
Lot	D.P. No.	Parish	County	Lot	D.P. No.	Parish	County
1	1035109	Coff	Fitzroy	237	752817	Coff	Fitzroy
Area: 6200m2				236	752817	Coff	Fitzroy
File Reference: GF95R41				238	752817	Coff	Fitzroy
				7051	752817 #	Coff	Fitzroy
				7052	752817 #	Coff	Fitzroy
				7053	752817 #	Coff	Fitzroy
				7054	752817 #	Coff	Fitzroy
				New Area: 10.48ha			

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trusts specified in Column 1 of the Schedules hereunder, which were established in respect of the reserves specified opposite thereto in Column 2 of the Schedules, are dissolved.

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

SCHEDULE 1

COLUMN 1	COLUMN 2
Corindi (R87400) Reserve Trust	Reserve No. 87400
	Public Purpose: Parking
	Notified: 26 September 1969
	File Reference: GF81R408

SCHEDULE 2

COLUMN 1	COLUMN 2
Corindi Beach (R55008) Reserve Trust	Reserve No. 55008
	Public Purpose: Public Recreation
	Notified: 9 December 1921
	File Reference: GF81R408

SCHEDULE 3

COLUMN 1	COLUMN 2
Corindi Foreshore (R87401) Reserve Trust	Reserve No. 87401
	Public Purpose: Public Recreation
	Notified: 26 September 1969
	File Reference: GF81R408

**ESTABLISHMENT OF A RESERVE TRUST AND APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

1. PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 2 of the Schedule is established under the name stated in that column and is appointed as trustee of the reserves specified in Column 3 of the Schedule.
2. PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule is appointed to manage the affairs of the reserve trusts specified in Column 2.

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

SCHEDULE

COLUMN 1
Pristine Waters Council

COLUMN 2
Corindi Beach Reserve Trust.

COLUMN 3
Reserve No. 55008
Public Purpose: Public Recreation
Notified: 9 December 1921.

Reserve No. 87400
Public Purpose: Parking
Notified: 26 September 1969

Reserve No. 87401
Public Purpose: Public Recreation
Notified: 26 September 1969

File Reference: GF81R408.

GRIFFITH OFFICE

**Department of Land and Water Conservation
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670**

ERRATUM

THE notice appearing in the *Government Gazette* of 14th March 2003 folio 4100, under the heading of "Appointment of Trust Board Members" for the Griffith War Memorial Trust, is hereby amended to include 'For a term commencing the date of this notice and expiring 5 August 2004'.

File No. GH87R4/2.

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

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

**ALTERATION OF CORPORATE NAME OF
RESERVE TRUST**

SCHEDULE 2

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.

Reserve No. 88034
 Public Purpose: Boy Scouts
 Notified: 4 December 1970
 File Reference: HY81R47/1

SCHEDULE 3

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

Barooga Community Centre
 Reserve Trust

SCHEDULE 1

Barooga Boy Scouts (R88034)
 Reserve Trust

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

**ASSESSMENT OF CROWN LAND UNDER PART 3
OF THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 2000**

A DRAFT assessment has been prepared for Crown land situated as described hereunder.

Inspection of this draft assessment during normal business hours may be made at the following listed locations.

Department of Land and Water Conservation (Maitland)
 Cnr Banks & Newcastle Road, East Maitland Gosford City
 Council Mann Street Gosford.

Submissions in writing will be accepted by the Manager Resource Knowledge, Department of Land & Water Conservation, 464 King Street, Newcastle West 2302 until 4 p.m. on 2 May 2003.

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

Description

Draft assessment of Crown land below mean high water mark of Brisbane Water on eastern foreshore of Point Frederick. Land NSW is considering a licence for a waterfront jetty.

Land Assessment Number 565.

File Reference: MD 02 H 119.

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 that previously existed in relation to the road are extinguished.

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

Description

*Parish – Stanford; County – Northumberland;
 Land District – Maitland;
 Local Government Area – Cessnock*

Road Closed: Lot 1 DP 1048138 at Abermain

File Reference: MD 02 H 01

Note: On closing, the land within Lot 1 DP 1048138 will remain land vested in the Crown as Crown land.

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

ERRATUM

THE following notices for Moree Land Office were gazetted on the 21 March 2003. The notices appeared under the incorrect heading. The notices appeared under the Maitland Office heading they should have appeared under the heading of Moree Office. The gazettal date for these notices remains the 21st March 2003. This erratum amends that error.

**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 opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrabri Local Government: Narrabri Parish: Doyle County: Jamison Reserve: 1172 Purpose: Travelling Stock Notified: 24 October 1881 File: ME97H179	The part of Reserve 1172 comprising Lot 39 DP 822900 having an area of 470.9 hectares.

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

**REVOCAION 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: Bega	The whole being			
Local Government Area: Bega Valley Shire Council	Lot	D.P. No.	Parish	County
Locality: Bega	7006	750190 #	Bega	Auckland
Reserve No. 91009	of an area of 2345m2			
Public Purpose: Site For Public Buildings				
Notified: 30 December 1977				
File Reference: NA81R163				

Notes: If revoked, the land is proposed to be added to the adjoining Reserve (R.80964) for Soil Conservation Depot.

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land 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: Moruya	Reserve No. 82377						
Local Government Area: Eurobodalla Council	Public Purpose: Public Recreation						
Locality: Moruya	Notified: 19 February 1960						
Lot	D.P. No.	Parish	County	Lot	D.P. No.	Parish	County
PT 220	752151	Moruya	Dampier	7024	1019726	Moruya	Dampier
PT 303	752151	Moruya	Dampier	PT 303	752151	Moruya	Dampier
305	752151	Moruya	Dampier	221	752151	Moruya	Dampier
Area: 3122m2				7025	1019726	Moruya	Dampier
File Reference: NA03R8				7031	1019726	Moruya	Dampier
				7032	1019726	Moruya	Dampier
				PT 220	752151	Moruya	Dampier
				304	752151	Moruya	Dampier
				1	722793	Moruya	Dampier
				New Area: 9.577ha			

Notes: THE AFFECTED PARTS OF RESERVE 95621 FOR FUTURE PUBLIC REQUIREMENTS, NOTIFIED 16TH OCTOBER, 1981 ARE HEREBY AUTOMATICALLY REVOKED, THIS DAY.

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

NOTIFICATION OF CLOSING OF ROADS

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

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

—————
 Descriptions

Land District – Metropolitan; L.G.A. – Hornsby

Lot 1, DP 1047516 at West Pennant Hills, Parish South Colah (Sheet 4), County Cumberland.

MN01H136

Note: On closing, title for the land in lot 1 remains vested in Hornsby Shire Council as operational land.

Descriptions

Land District – Metropolitan; L.G.A. – Ryde

Lot 1, DP 1048397 at West Ryde, Parish Hunters Hill (Sheet 4), County Cumberland.

MN02H250

Note: On closing, title for the land in lot 1 remains vested in Ryde City Council as operational land.

—————
 Descriptions

Land District – Metropolitan; L.G.A. – Fairfield

Lot 1, DP 1049955 at Cabramatta West, Parish St Luke (Sheet 8), County Cumberland.

MN02H294

Note: On closing, title for the land in lot 1 remains vested in Fairfield City Council as operational land.

—————
TAREE OFFICE

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

ERRATUM

IN the *Government Gazette* of 21 March 2003, folio 4193, under the heading of “Appointment of Trust Board Members” for Kundabung Public Recreation Reserve Trust the name “Julie Anne BROWN” should be inserted after “Thomas Arthur FREEMAN”.

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

—————

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

**DRAFT ASSESSMENT OF CROWN LAND UNDER
PART 3 OF THE CROWN LANDS ACT, 1989 AND
THE CROWN LANDS REGULATION, 2000**

THE Minister for Land and Water Conservation has prepared a draft assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Wagga Wagga District Office of the Department of Land and Water Conservation, corner of Johnston & Tarcutta Streets, Wagga Wagga, and at the Hume Shire Council Chambers, Kiewa Street, Albury, during normal working hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days commencing from the 28th March 2003 until the 25th April 2003 and should be sent to the Land Assessment Officer, Department of Land and Water Conservation, PO Box 10 Wagga Wagga 2650. Please quote reference number A3418. Wagga District Office File – WA95H161.

Reason for assessment: The purpose of this assessment is to address the future use of the land described hereunder.

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

Description

Crown land at Budginigi Hill comprising a total area of approximately 12.3 hectares being Trigonometric Reserve 17669 Notified 6th May 1893 and Travelling Stock & Camping Reserve 69868 Notified 21st February 1941. Parish of Yambula, County of Goulburn and Local Government Area of Hume.

Contact Officer: Shona Cowley 02-6923 0474.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are 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 roads specified in Schedule 1 cease to be Crown public road.

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

*Parish – Bungambil; County – Bourke;
Land District – Temora; Shire – Coolamon*

SCHEDULE 1

Crown Public Road of variable width and described as the roads west of portions 14, 49, 51, 10 and 31; south of portions 49, 50, 69, 30 and 29; road through portion 35.

SCHEDULE 2

Roads Authority: Coolamon Shire Council

File No: WA03H26.

Water Conservation

WATER ACT 1912

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

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

Murray River Valley

Stefan Ignac ADY for two pumps on Mulligans Creek on Lot 23, DP756585, Parish of Toolmah, County of Wakool for water supply for stock and domestic purposes and irrigation (replacement licence due to amalgamation of existing licences) (GA2: 477263) (Ref: 50SL75553).

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

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

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

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

WATER ACT 1912

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

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

Macquarie River Valley

Peter Warwick PIMLOTT and Gloria Elizabeth PIMLOTT for a pump on the Duck Creek Lot 7004, DP 1020523 (Reserve 75381), Parish of Canonba, County of Gregory for irrigation of 0.5 hectares (lucerne) (partly replacing existing entitlement by way of permanent transfer) (80SL96084).

DAVID LHUEDE PTY LIMITED for a dam and a pump on an unnamed watercourse Part Lot 197, DP 755440, Parish of Louee, County of Phillip for conservation of water and water supply for stock purposes and irrigation of 50 hectares (perennial pasture) (partly replacing existing entitlement by way of permanent transfer) (80SL96085).

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.

GA2: 306587.

AN APPLICATION UNDER PART 8, BEING WITHIN A PROCLAIMED (DECLARED) LOCAL AREAS UNDER SECTION 5 (4) OF THE ACT 1912

AN application for an approval of controlled works under section 167, within the proclaimed (declared) local areas described hereunder, has been received from:

Castlereagh River Valley

Eunice Eileen REDDEN, Megan Patricia REDDEN and Paul Anthony REDDEN for a levee on an unnamed watercourse Lots 53 and 99, DP 754980, Parish of Purlawaugh, County of Napier for the prevention of inundation of lands by floodwaters (new approval) (80CW809651).

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, by 25th April 2003 as prescribed by the Act.

GA2: 306588.

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

Notice under Section 22B

Lifting of pumping restrictions

Lawsons Creek

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS under section 22B of the Water Act 1912 relating to Lawsons Creek with respect to the taking of water therefrom hereby gives notice to all holders of permits, licences and authorities issued under Part 2 of the Water Act 1912 that pumping restrictions so imposed are hereby lifted. Pumping must nonetheless still occur in accordance with conditions attached to individual licences, permits and authorities.

F. HUNDY,
Water Access Manager
Central West Region

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 has been received from:

Murrumbidgee Valley

GOOMWIN PTY LIMITED for a pump on the Murrumbidgee River for a water supply for stock purposes and irrigation of 18.67 hectares and for a water supply for stock and domestic purposes to the occupiers of Lot 37, DP 751407, Parish of Gobbagumbalin, County of Clarendon.

Licence application as a result of a permanent water transfer 51 megalitres. This notice is in lieu of that published on 21st March 2003. Reference: 40SL70884.

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 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

AN application under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a licence within a proclaimed local area as generally described hereunder has been received as follows:

Namoi River Valley

Philip John WAGSTAFF for a pump on the Manilla River located on Lot 12, DP 705874, Parish of Veness, County of Darling for irrigation of 2 hectares (permanent transfer of part of an existing entitlement). L.O. Papers 90SL100643.

GA2368357.

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

Oing Chang LI for a pump on Kemps Creek, Part 53/734584, Parish of Melville, County of Cumberland for the irrigation of 1.0 hectare (Vegetables)(Part replacement licence – Transfer of 7.0 megalitres from 10SL56268) (Ref:10SL56500) (GA2:493370).

Any inquiries regarding the above should be directed to the undersigned (Ph: 9895 7194).

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,
A/Natural Resource Project Officer
Sydney/South Coast Region

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

WATER ACT 1912

Notice of withdrawal of Pumping Restrictions under section 22B of the Water Act 1912

Broughton Mill Creek and its tributaries downstream to Broughton Creek

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom for irrigation purposes hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912 that pumping restrictions are now CANCELLED.

Dated this Twenty First day of March 2003.

M. EL-CHAMY,
Resource Access Manager
Sydney/South Coast Region

WATER ACT 1912

Notice of withdrawal of Pumping Restrictions under section 22B of the Water Act 1912

Wandandian Creek, Currumbene Creek, Burrill Lake, Narrawallee Inlet, St Georges Basin, Sussex Inlet and their tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom for irrigation purposes hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912 that pumping restrictions are now CANCELLED.

Dated this Twenty First day of March 2003.

M. EL-CHAMY,
Resource Access Manager
Sydney/South Coast Region

WATER ACT 1912

Notice of withdrawal of Pumping Restrictions under section 22B of the Water Act 1912

Lower Shoalhaven River (downstream of Tallowa Dam) and its tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom for irrigation purposes hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912 that pumping restrictions are now CANCELLED.

Dated this Twenty First day of March 2003.

M. EL-CHAMY,
Resource Access Manager
Sydney/South Coast Region

WATER ACT 1912

Notice of withdrawal of Pumping Restrictions under section 22B of the Water Act 1912

Minnamurra River and its tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom for irrigation purposes hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912 that pumping restrictions are now CANCELLED.

Dated this Twenty First day of March 2003.

M. EL-CHAMY,
Resource Access Manager
Sydney/South Coast Region

WATER ACT 1912

AN application under Part 2, being within a Proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a licence within a proclaimed local area as generally described hereunder has been received as follows:

Macintyre River Valley

Lindsay Donald WARD and Helen Gai WARD for a pump on the Macintyre River on Lot 1, DP 812894, Parish of Boggabilla, County of Stapylton for irrigation purposes. Permanent transfer of existing entitlement (207 megalitres) to presently authorised pump and lands. Ref: 90SL100655. GA2368358.

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

Notice Under Section 22B — Cancelling Pumping Restrictions

Cooks Vale Creek and its Tributaries

THE Water Administration Ministerial Corporation, pursuant to Section 22B of the Water Act, 1912, being satisfied that the quantity of water available in Cooks Vale Creek and its tributaries is sufficient to meet all requirements with respect of taking water from the creek, hereby gives notice to all holders of permits and licences under Part 2 of the Water Act that from midnight, 28 March, 2003; the suspension imposed on 17 January, 2003 on the right to extract water for irrigation purposes is cancelled.

Licence holders may extract water in accordance with their licence conditions from midnight 28 March, 2003.

Dated this 26th Day of March, 2003.

VIV RUSSELL,
Resource Access Manager

WATER ACT 1912

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

Murrumbidgee Valley

Brian Ralph Reader and Kay Lorraine Faulkner for a bore on Lot 220 or 245 DP757242, Parish of Mundarlo, County of Wynyard for a water supply for the irrigation of 26 hectares (Lucerne, grapes). New License. 40BL189395

Anthea Mary Mc Geoch for a bore on Lot 26 or 89 DP757240, Parish of Mate, County of Wynyard for a water supply for stock watering and the irrigation of 40 hectares (Lucerne, pasture, oats). New License. 40BL189402

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 25th April, 2003 as prescribed by the Act.

S.F. WEBB,
Resource Access Manager
Murrumbidgee Region

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

Department of Planning



City of Canada Bay Local Environmental Plan No 4

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00729/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 City of Canada Bay Local Environmental Plan No 4

City of Canada Bay Local Environmental Plan No 4

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *City of Canada Bay Local Environmental Plan No 4*.

2 Aims of plan

This plan aims:

- (a) to alter the boundaries of development precincts of the land known as the Strathfield Triangle Precinct, and
- (b) to increase the density of development in respect of those precincts,

having taken into consideration the strategic framework plan and development control plan for the Strathfield Triangle Precinct prepared by the Department of Planning's Urban Design Advisory Service.

3 Land to which plan applies

This plan applies to land known as the Strathfield Triangle Precinct, being bounded by Leicester Avenue, Parramatta Road and the Main Northern Railway line, Strathfield, as shown edged heavy black on the map marked "City of Canada Bay Local Environmental Plan No 4" deposited in the office of the City of Canada Bay Council.

4 Amendment of Concord Planning Scheme Ordinance

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

City of Canada Bay Local Environmental Plan No 4

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 61H Development of certain land in Strathfield

Omit clause 61H (2). Insert instead:

(2) Definition

For the purposes of this clause, *development precinct* means an area of land edged heavy black and identified by the letter "A", "B", "C", "D", "E", "F", "G" or "H" on the map marked "City of Canada Bay Local Environmental Plan No 4" deposited in the office of the Council.

[2] Clause 61H (11)

Omit the subclause. Insert instead:

(11) Consent must not be granted for development within a development precinct if it would result in the ratio of the total gross floor area of all buildings within the development precinct to the area of the development precinct being greater than:

- (a) 2.4:1 for Precinct A, and
- (b) 2.0:1 for Precinct B, and
- (c) 2.5:1 for Precincts C, E, F, G and H, and
- (d) 2.2:1 for Precinct D.

[3] Clause 61H (12)

Omit the subclause.

Roads and Traffic Authority

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at
Guntawang in the Mudgee Shire 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. LORSCHY,
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Mudgee Shire Council area, Parishes of Biraganbil and Guntawang and Counties of Wellington and Phillip, shown as Lots 4, 6, 7 and 8 Deposited Plan 718231.

(RTA Papers: FPP 295.1133).

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Grenfell in
the Weddin Shire 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. LORSCHY,
Manager Statutory Processes,
Roads and Traffic Authority of New South Wales

SCHEDULE

All that piece or parcel of land situated in the Weddin Shire Council area, Parish of Yambira and County of Monteagle, shown as Lot 11 Deposited Plan 848074.

(RTA Papers FPP 6/483.1117).

ROADS ACT 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land at Darling
Harbour in the Sydney City Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the interests in land described in Schedules 1 and 2 below are 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. LORSCHY,
Manager Statutory Processes
Roads and Traffic Authority of New South Wales

SCHEDULE 1

A lease as provided in Memorandum 9415387 recorded at LPI NSW over the land shown coloured green and edged green on RTA Plan No. CCT_DEEDOC_T31B.

SCHEDULE 2

The interest of Sydney Harbour Foreshore Authority in the land shown coloured red and edged green on RTA Plan No. 6010 412 SS 0003a, excluding from the compulsory acquisition the parts of the land leased in Schedule 1 above and excluding also all existing easements.

(RTA Papers FPP 2M3188).

ROADS ACT 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land at Glenwood
in the Blacktown City Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the 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. LORSCHY,
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

SCHEDULE

All those pieces or parcels of land situated in the Blacktown City Council area, Parish of Gidley, and County of Cumberland, shown as:

Lot 10 Deposited Plan 1047875, being part of the land in Certificate of Title 2/1014616 and said to be in the possession of Joe Cauchi, Angelo Cauchi, Mary Cauchi, Joseph Cauchi and Julian Dalley (registered proprietors), Westpac Banking Corporation (mortgagee) and Tanwar Enterprises Pty Limited (caveator);

Lots 11 and 16 Deposited Plan 1047875 being the parts of the land in Certificate of Titles 2/1045545 and 12/861198 respectively and Lots 215 and 216 Deposited Plan 1048244 and Lot 115 Deposited Plan 1048245 being the whole of the land in Certificates of Title 215/1048244, 216/1048244 and 115/1048245 respectively, and all said to be in the possession of Danallam Developments Pty Limited (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lot 13 Deposited Plan 1047875, being part of the land in Certificate of Title 4/881474 and said to be in the possession of Adam Jon Furner (registered proprietor), AMP Bank Limited (mortgagee) and Robert Askew and Margaret Askew (reputed lessees);

Lot 15 Deposited Plan 1047875, being part of the land in Certificate of Title 23/8050 and said to be in the possession of G & M Schembri Pty Limited; and

Lot 17 Deposited Plan 1047875, being part of the land in Certificate of Title 131/877287 and said to be in the possession of Amaline Properties Pty Limited (registered proprietor) and ING Bank N.V. (mortgagee).

excluding any existing easements from the compulsory acquisition of the land listed above.

(RTA Papers FPP 3M1520).

SCHEDULE

All those pieces or parcels of land situated in the Hornsby Shire Council area, Parish of South Colah and County of Cumberland, shown as:

Lots 1 and 2 Deposited Plan 399082; and
Lot 1 Deposited Plan 207114.

(RTA Papers: 10/201.1926).

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Hornsby
in the Hornsby Shire 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. LORSCHY
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

STATE Forests of NSW, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

D. M. HOBSON,
Regional Manager
Hume Region
State Forests of NSW
(by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the State Forests of NSW-Hume Region B-Doubles Notice No 1, 2003.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31/1/2008 unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the State Forests of NSW – Hume Region

<i>Type</i>	<i>Road No</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Wee Jasper Forest Rd	Brindabella Rd	Wee Jasper Rd	
25	000	Cockatoo Rd	Brindabella Rd	Roberts Rd	
25	000	Cotterills Rd	Brindabella Rd	Mitchells Rd	
25	000	Green Hills Forest Way	Wondalga Rd	Adelong Creek Rd	
25	000	Snubba Rd (length 21km)	Bago Forest Way	Unnamed Rd.	
25	000	Couragago Rd	Wee Jasper Forest Rd	Wee Jasper Rd	
25	000	McDonnells Rd	Brindabella Rd	Argalong Rd	
25	000	Hallorans Rd	Chinamans Creek Rd	Brindabella Rd	
25	000	Masons Rd	Argalong Stock Route	Argalong Rd	
25	000	Argalong Stock Route	Argalong Rd	Brindabella Rd	
25	000	Roberts Rd	Cockatoo Rd	Wee Jasper Rd	
25	000	Mitchells Rd	Fairview Rd	Wee Jasper Forest Rd	
25	000	Nottingham Rd	Brindabella Rd	Forest Boundary	
25	000	Honeysuckle Rd	Adjungbilly Rd	Approx 7.1km west of Adjungbilly Rd	
25	000	Airtruk Road	Wondalga Rd	Willigobung Rd	
25	000	Chinamans Creek Rd	Brindabella Rd	Hallorans Rd	
25	000	Willigobung Rd	Wondalga Rd	Baked Apples Rd	
25	000	Courabyra North Rd	Intersection of Courabyra North Rd and Airtruk Rd	Intersection of Courabyra North Rd and Wondalga Rd	
25	000	Red Hill Access Rd	Intersection of Red Hill Access Rd and Billapaloola Rd	Intersection of Red Hill Access Rd and Honeysuckle Rd	
25	000	Adjungbilly Rd	Intersection of Adjungbilly Rd and Brindabella Rd	Intersection of Adjungbilly Rd and Tumut Adjungbilly Rd	
25	000	Brindabella Rd	Intersection of Brindabella Rd and Billapaloola Rd	Intersection of Brindabella Rd and Wee Jasper Forest Rd	
25	000	Yellowin Access Rd	Intersection of Yellowin Access Rd and Bago Forest Way	Intersection of Yellowin Access Rd & Blowering Camp Rd	

Other Notices

GEOGRAPHICAL NAMES ACT 1966

Notice Of Second Revised Proposal To
Assign Geographical Names And Determine the
Extent of Localities

Notice to Discontinue a Name Within
Great Lakes Council area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign geographical names listed below to the areas indicated on map 'Part GNB3767/2'. The map may be viewed at Great Lakes Council Chambers, the Community Hall at Coomba Park, the Tourist Information Office at Pacific Palms and the office of the Geographical Names Board, Land Information Centre, Panorama Avenue, Bathurst.

The proposed bounded locality name Coomba is withdrawn and the name Coomba Bay is proposed. There are adjustments to previously advertised boundaries affecting Coomba Bay, Coomba Park and Shallow Bay; and Elizabeth Beach, Boomerang Beach and Blueys Beach.

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the name Pacific Palms, designation Village, assigned 26 November 1982, will be Discontinued.

SUBSEQUENT to the determination of names and boundaries for localities in Great Lakes Council area the name Coomba is proposed with the designation Rural Place.

The District, Pacific Palms, assigned 26 November 1982 and Towns and Villages previously assigned remain unchanged in the Geographical Names Register.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names "*South Creek*" and "*Wianamatta*" as dual names for a watercourse formerly known as South Creek rising about 4 km north east of Narellan and 7 km west of Minto that flows generally north for about 70 km until its confluence with the Hawkesbury River near Windsor.

Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson.

Geographical Names Board
PO Box 143, BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name:	Whimbrel Park
Designation:	Reserve
L.G.A.:	Great Lakes Council
Parish:	Nerong
County:	Gloucester
L.P.I. Map:	The Branch
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 4930

Assigned Name:	Redbill Park
Designation:	Reserve
L.G.A.:	Great Lakes Council
Parish:	Nerong
County:	Gloucester
L.P.I. Map:	The Branch
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 4930

Assigned Name:	Heron Park
Designation:	Reserve
L.G.A.:	Great Lakes Council
Parish:	Nerong
County:	Gloucester
L.P.I. Map:	The Branch
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 4930

Assigned Name:	Waterhen Park
Designation:	Reserve
L.G.A.:	Great Lakes Council
Parish:	Nerong
County:	Gloucester
L.P.I. Map:	The Branch
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 4930

Assigned Name:	Nerong Inlet
Designation:	Inlet
L.G.A.:	Great Lakes Council
Parish:	Nerong
County:	Gloucester
L.P.I. Map:	The Branch
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 4930

Assigned Name: Mavromattes Reserve
 Designation: Reserve
 L.G.A.: Shoalhaven City Council
 Parish: Nowra
 County: St Vincent
 L.P.I. Map: Berry
 1:100,000 Map: Kiama 9028
 Reference: GNB 4929

Assigned Name: Midgen Environment Park
 Designation: Reserve
 L.G.A.: Byron Shire Council
 Parish: Byron
 County: Rous
 L.P.I. Map: Byron Bay
 1:100,000 Map: Ballina 9640
 Reference: GNB4931

Assigned Name: Jos Wiggins Park
 Designation: Reserve
 L.G.A.: Botany Bay City Council
 Parish: Botany
 County: Cumberland
 L.P.I. Map: Botany Bay
 1:100,000 Map: Sydney 9130
 Reference: GNB 4928

Assigned Name: Jim Scott Park
 Designation: Reserve
 L.G.A.: Penrith City Council
 Parish: Mulgoa
 County: Cumberland
 L.P.I. Map: Penrith
 1:100,000 Map: Penrith 9030
 Reference: GNB 4933

Assigned Name: Eileen Cammack Soccer Fields
 Designation: Reserve
 L.G.A.: Penrith City Council
 Parish: Mulgoa
 County: Cumberland
 L.P.I. Map: Penrith
 1:100,000 Map: Penrith 9030
 Reference: GNB 4933

Assigned Name: Lipscomb Reserve
 Designation: Reserve
 L.G.A.: Hornsby Shire Council
 Parish: South Colah
 County: Cumberland
 L.P.I. Map: Hornsby
 1:100,000 Map: Sydney 9130
 Reference: GNB 4927

Assigned Name: Ulolo Community Park
 Designation: Reserve
 L.G.A.: Hornsby Shire Council
 Parish: South Colah
 County: Cumberland
 L.P.I. Map: Hornsby
 1:100,000 Map: Sydney 9130
 Reference: GNB 4927

Assigned Name: Pelaw Main Centenary Park
 Previous Name: Pelaw Main Park
 Designation: Reserve
 L.G.A.: Cessnock City Council
 Parish: Stanford
 County: Northumberland
 L.P.I. Map: Cessnock
 1:100,000 Map: Cessnock 9132
 Reference: GNB 4926

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 web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 PO Box 143, BATHURST NSW 2795

HEALTHY RIVERS COMMISSION

NOTICE OF AUDITS OF HAWKESBURY NEPEAN AND SHOALHAVEN RIVERS

THE Healthy Rivers Commission is undertaking audits into implementation of Statements of Intent for the Hawkesbury Nepean and Shoalhaven river systems. These audits commenced on 12 March 2003.

Statements of Intent were developed by the NSW Government to record formally and publicly its decisions on the recommendations arising from the Commission's Inquiries into these important river systems. As part of its processes to achieve sustained improvements to catchment and river health, the Government has instructed the Commission to conduct an independent audit, and report on implementation of Statements of Intent, two years after each has been publicly released.

The Commission now invites written submissions from individuals and community groups on the progress achieved to date in implementing the Statements of Intent for the Hawkesbury Nepean and Shoalhaven river systems. Submissions by post, fax or email will be received by the Commission until Thursday 17 April 2003.

For copies of the Statements of Intent or for additional information, please contact the Healthy Rivers Commission, Level 18, 15 Castlereagh Street, Sydney NSW 2000, telephone 02 9231 2977 or toll free 1800 818 369, fax 02 9232 5973, email rivercom@hrc.nsw.gov.au. The Statements of Intent are also available on the website www.hrc.nsw.gov.au

MARITIME SERVICES ACT 1935

NOTIFICATION

LIMITATION OF SPEED OF VESSELS WITHIN CERTAIN NAVIGABLE WATERS - MARITIME SERVICES ACT 1935

THE Waterways Authority (the Authority), in pursuance of the provisions of Section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette*:

(a) REVOKE the notification appearing in *Government Gazette* No. 21 of 5 March 1993 which limits the speed of vessels in the area described as Evans River (Adjacent to Evans River Caravan Park) Area; and

(b) Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class - All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations - NSW.

TABLE OF AREA AND MAXIMUM SPEED

First Column	Second Column
Evans River (Downstream) Area: The navigable waters of that part of the Evans River enclosed between lines firstly across the waterway under the western side of the South Evans Head Road Bridge and secondly commencing from an unnamed point on the eastern shore approximately one kilometre downstream of that Road Bridge in a north westerly direction across the waterway to a point on the opposite shore adjacent to the Evans River Caravan Park.	Eight Knots

Dated this 19th day of March 2003.

MATTHEW TAYLOR,
Chief Executive
Waterways Authority

NATIONAL PARKS AND WILDLIFE ACT 1974

WIESNERS SWAMP 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 Wiesners Swamp Nature Reserve was adopted by the Minister for the Environment on 10th February 2003.

Copies of the plan may be purchased at a cost of \$8.50 from the NPWS South West Slopes office, 7a Adelong Road, Tumut; NPWS Riverina office, 200 Yambil Street, Griffith; and The National Parks Centre, 102 George Street, The Rocks, NSW 2655. The plan is also available on the NPWS web site: www.npws.nsw.gov.au.

NATIONAL PARKS AND WILDLIFE ACT 1974

WARRUMBUNGE NATIONAL PARK

AMENDMENT TO PLAN OF MANAGEMENT

AN amendment to the plan of management for Warrumbunge National Park has been prepared and is available free of charge from:

- Visitor Information Centre, Warrumbunge National Park
- NPWS Coonabarabran Area Office, 56 Cassilis Street, COONABARABRAN
- The National Parks Centre, 102 George Street, THE ROCKS
- NPWS Head Office Library, Level 7, 43 Bridge Street, HURSTVILLE

The amendment is also available on the NPWS website at www.npws.nsw.gov.au.

Written submissions on the amendment must be received at the National Parks & Wildlife Service, Coonabarabran Area, PO Box 39, Coonabarabran NSW 2357 by 30 June 2003.

Your comments on the amendment may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. If you do not want your personal details to become public, please mark your submission "confidential".

NSW NATIONAL PARKS AND WILDLIFE SERVICE

Notice of Exhibition of the following Approved Recovery Plans

THE National Parks and Wildlife Service, hereby give notice of the exhibition of the following Approved Recovery Plans:

Warrumbunge Brush-tailed Rock-wallaby
Endangered Population

Salt Pipewort (*Eriocaulon carsonii*)

Black-eared Miner (*Manorina melanotis*)

The Recovery Plans will be available for inspection from 4 April 2003. Exhibition details will be published on 4 April 2003 in the Sydney Morning Herald.

JOSHUA GILROY,
Manager, Conservation Programs and Planning
Western Directorate

NATIONAL PARKS AND WILDLIFE ACT 1974

ERRATUM

THE notices which appeared in the *Government Gazette* of 21 March 2003, folio 4207, No. 63 were incorrect. The following notices for Kirramingly Nature Reserve, Sturt National Park, Towarri National Park and Quanda Nature Reserve should have appeared on that page. This erratum amends that error.

NATIONAL PARKS AND WILDLIFE ACT, 1974

NOTICE OF RESERVATION OF NATURE RESERVE

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as Kirramingly Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney, this 18th day of December, 2002.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS, M.P.,
Minister for the Environment

GODSAVETHEQUEEN!

SCHEDULE

Land District – Moree; LGA – Moree Plains

County Courallie, Parish Bumble and Burranbah, about 1306 hectares, being lot 36 DP 751758, lot 2 DP 1012202, lot 13 DP 751760 and Crown Public Road separating lot 13 DP 751760 from lot 2 DP 1012202; inclusive of Crown Public Roads within lots 2 & 36.: NPWS F/1017.

NATIONAL PARKS AND WILDLIFE ACT, 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Sturt National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney this 26th day of February, 2003.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS, M.P.,
Minister for the Environment

GODSAVETHEQUEEN!

SCHEDULE

*Western Division Administrative District;
LGA – Unincorporated Area*

County Tongowoko, about 14695 hectares, being lot 4285, DP 767033, lots 4351, 4352 and 5260, DP 767188 and lot 6508, DP 767189; exclusive of Travelling Stock Reserve 11335 notified 3 May 1890 traversing the aforesaid lots 4285, 4352 and 6508. NPWS F/400.

NATIONAL PARKS AND WILDLIFE ACT, 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Towarri National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney this 26th day of February, 2003.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS, M.P.,
Minister for the Environment

GODSAVETHEQUEEN!

SCHEDULE

Land District – Murrurundi; LGA – Murrurundi

County Buckland, Parishes Gregson and Towarri, 541.50 hectares, being lots 79, 97 and 169, DP 751030, lot 1, DP 875219, lot 2, DP 1017518, and lot 1, DP 1025639. NPWS F/2641.

NATIONAL PARKS AND WILDLIFE ACT, 1974

NOTICE OF RESERVATION OF NATURE RESERVE

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Quanda Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney this 4th day of December, 2002.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS, M.P.,
Minister for the Environment

GODSAVETHEQUEEN!

SCHEDULE

Land District – Nyngan; LGA – Bogan

County Flinders, Parish Quanda, about 3930 hectares, being lots 2, 6, 7 and 10, DP 752904, and the road separating lot 2, DP 752904 from lot 7, DP 752904. NPWS F/3163.

RURAL FIRES ACT 1997

NSW Rural Fire Service

Notice of Revocation of Bush Fire Danger Period

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period revocation:

Area of Revocation:

Bland Local Government Area

The Local Bush Fire Danger period has been revoked for the period 14 March 2003 until 31 March 2003.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
and Regional Management

RURAL FIRES ACT 1997

NSW Rural Fire Service
Notice of Revocation of Bush Fire Danger Period

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period revocation:

Area of Revocation:
Forbes Local Government Area

The Local Bush Fire Danger period has been revoked for the period 13 March 2003 until 31 March 2003.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
and Regional Management

**SYDNEY WATER ACT 1994
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

NOTICE OF COMPULSORY ACQUISITION OF LAND AT
KELLYVILLE IN THE LOCAL GOVERNMENT AREA OF
BAULKHAM HILLS

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, 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 the purposes of the Sydney Water Act 1994.

Dated at Sydney this Twentieth day of March 2003.

Signed for Sydney Water Corporation)	
by its Attorneys)	Signed
)
)	
JEFFREY FRANCIS COLENZO)	
.....)	
)	
WARREN FREDERICK WATKINS)	
.....)	
)	
)	
)	Signed
who hereby state at the time of executing)
this instrument have no notice of the)	
revocation of the Power of Attorney)	
Registered No. 687 Book 4296 under the)	
Authority of which this instrument has)	
been executed.)	

SCHEDULE

ALL that parcel of land in the Local Government Area of Baulkham Hills, Parish of Castle Hill, County of Cumberland, being Lot 2 in Deposited Plan 268487, containing 129.5 square metres and said to be in the ownership of The State of New South Wales.

(Sydney Water reference: 436536F6).

**NATIONAL PARKS AND WILDLIFE ACT, 1974
NOTICE OF RESERVATION OF NATIONAL PARK**

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of **Myall Lakes National Park**, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney this 26 th day of February, 2003.

MARIE BASHIR,
Governor
By Her Excellency's Command

BOB DEBUS, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Gloucester LGA – Great Lakes

County Gloucester, Parish Forster, at Seal Rocks, about 308 hectares, being the area shown by hatching in the diagrams following; inclusive of lots 1 & 2 DP84772 and Crown Public road within lot 270 DP753168; exclusive of Seal Rocks Road, Kinka Road, Thomas Road and strip 20m wide embracing existing formation extending from the southern end Thomas Road to the northern boundary of lot 345 DP753168.:NPWS/02/02263.

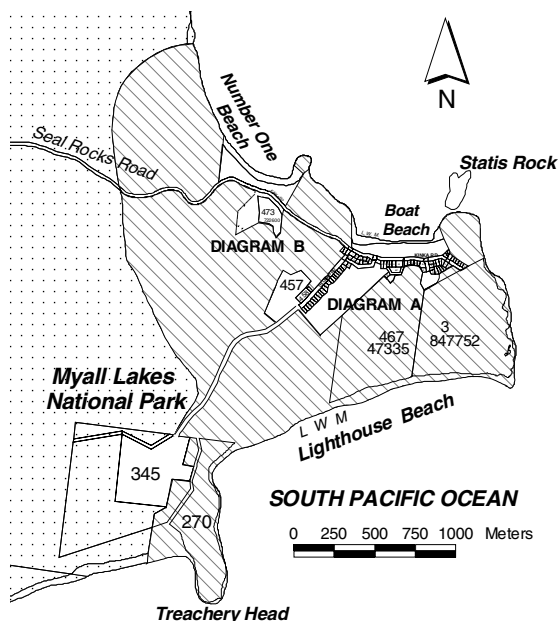


DIAGRAM A

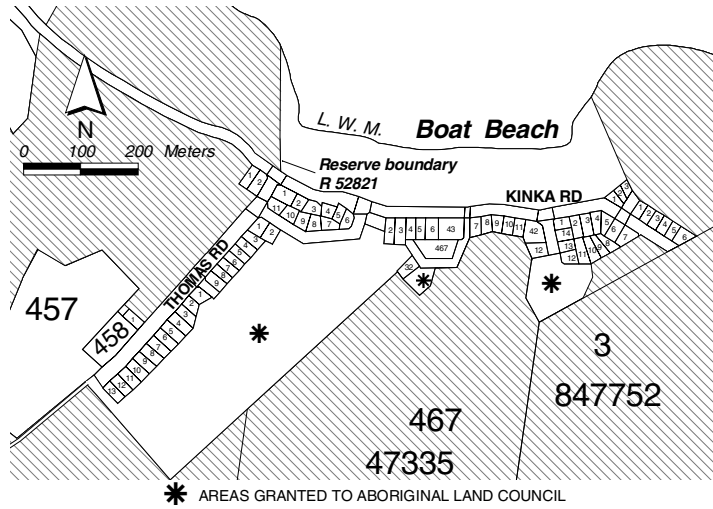
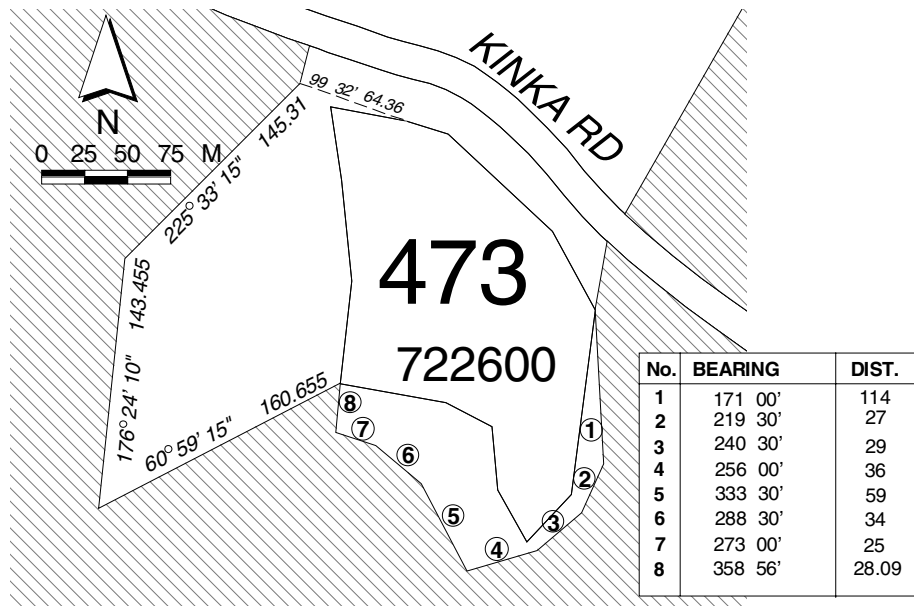


DIAGRAM B



BEARINGS & DISTANCES ARE APPROXIMATELY ONLY AND ARE SUBJECT TO FINAL SURVEY

NOTES:

- All unmeasured boundaries are subject to survey.
- All seaward boundaries are to low water mark.
- The affected parts of Crown Reserves are hereby revoked by virtue of this notice.

**NSW RAIL
ACCESS REGIME**

NSW RAIL ACCESS REGIME

C O N T E N T S

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5. NOTICE AND REGISTRATION OF AGREEMENT
6. ARBITRATION
7. THE CORPORATION
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SCHEDULES

1. FACILITIES
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4. PASSENGER ARRANGEMENT
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NSW RAIL ACCESS REGIME

1. INTRODUCTION

- 1.1 For the purposes of the Independent Pricing and Regulatory Tribunal Act:
- (a) this is a public infrastructure access regime; and
 - (b) the Corporation is a government agency.
- 1.2 Except as specifically provided, the Regime operates in addition to all other laws.
- 1.3 The Regime commenced on 19 August 1996 or on a date nominated by the Minister and was amended on 19 February 1999.
- 1.4 The Regime may be amended by the Minister with the approval of the Premier.
- 1.5 Legislation relevant to the Regime includes the Transport Administration Act, the Rail Safety Act, the Independent Pricing and Regulatory Tribunal Act, the State Owned Corporations Act and the Commercial Arbitration Act.

2. USE OF THE NSW RAIL NETWORK

- 2.1 The Corporation shall, subject to the Regime:
- (a) permit Access to the NSW Rail Network;
 - (b) limit Access to the NSW Rail Network for the purpose of Rail Operations; and
 - (c) use all facilities owned by, vested in or otherwise exclusively controlled and operated by it, in a manner that facilitates Access to the NSW Rail Network for the purpose of Rail Operations.
- 2.2 The Corporation will only permit Access to Access Seekers, other than the Australian Rail Track Corporation, where in the opinion of the Corporation Access is not intended for the purposes of trading in Access rights.

3. NEGOTIATIONS

- 3.1 The Corporation shall negotiate in good faith with Access Seekers for the purposes of entering Agreements.
- 3.2 The Corporation shall, on request from an Access Seeker in relation to Access on a Route, provide to the Access Seeker an initial indication of the availability of, and price for, Access on that Route within:
- (a) 28 days for proposed Rail Operations on a Route on which there already are one or more Rail Operators with similar Operational Specifications; or
 - (b) such period of time as agreed by the Corporation and the Access Seeker in all other cases.

- 3.3 The Corporation will commence Negotiations once:
- (a) it has received from the Access Seeker Operational Specifications which comply with available Capacity on the Route; and
 - (b) the Access Seeker has complied with clause 6.2 of this Regime.
- 3.4 At the commencement of Negotiations, the Corporation and the Access Seeker shall agree upon a time by which Negotiations will be completed, at which time either:
- (a) an Agreement will be concluded; or
 - (b) an extension of time for Negotiations is agreed; or
 - (c) Negotiations will lapse.
- 3.5 The Corporation shall advise the Minister if no Agreement has been concluded within a period of three months from the commencement of Negotiations.
- 3.6 The Corporation shall negotiate in good faith with Access Seekers in relation to New Investment if necessary so that:
- (a) such New Investment is technically and economically feasible and consistent with the safe and reliable operation of the NSW Rail Network;
 - (b) the Corporation's legitimate business interests in the NSW Rail Network are protected; and
 - (c) the terms of Agreements take into account the costs borne by the parties for the New Investment and the economic benefits to the parties resulting from the New Investment.
4. **AGREEMENTS**
- 4.1 Except as required by law, the Corporation must only permit Access through an Agreement.
- 4.2 An Agreement must:
- (a) be in writing;
 - (b) cover all matters in Schedule 2;
 - (c) conform with the principles in Schedules 3 and 4;
 - (d) relate to the use of the NSW Rail Network for the purpose of Rail Operations only; and
 - (e) comply with the provisions of the Regime.
- 4.3 The terms of an Agreement, and any terms or conditions expressed or implied by law, will constitute the whole Agreement between the parties.

- 4.4 Nothing in an Agreement will affect:
- (a) the Minister's powers in relation to the Corporation, or any Rail Operator; or
 - (b) the Director General's powers in relation to the Rail Safety Act.
- 4.5 An Agreement other than with the Australian Rail Track Corporation must not confer exclusive permanent or temporary rights of use and/or occupancy of part of the NSW Rail Network in favour of any person, including by way of sale, lease or assignment.
- 4.6 An Agreement must not inhibit an Access Seeker or the Corporation providing information regarding Access, New Investment or an Agreement, to the Independent Pricing and Regulatory Tribunal, any relevant regulatory agency, or the Minister.
- 4.7 An Agreement must not inhibit the Corporation from creating, maintaining and disclosing Information Packages in accordance with this Regime.
- 4.8 Subject to this Regime, an Agreement need not contain the same terms and conditions as another Agreement.
- 4.9 An Agreement may be executed prior to the Access Seeker gaining relevant approvals under the Rail Safety Act. No Agreement can require or enable Rail Operations to commence prior to all relevant approvals under the Rail Safety Act being granted.

5. NOTICE AND REGISTRATION OF AGREEMENTS

- 5.1 Agreements and proposed Agreements must be notified by the Corporation and registered consistent with Sections 12B, 12C, 12D and 12E of the Independent Pricing and Regulatory Tribunal Act.
- 5.2 The Corporation must provide Public Notice of any intention to conclude an Agreement which covers a substantial proportion of the existing available Capacity on a Route for a significant period.

6. ARBITRATION

- 6.1 Part 4A of the Independent Pricing and Regulatory Tribunal Act applies to this Regime, including Schedule 3 Pricing.
- 6.2 Before the Corporation will negotiate Access with an Access Seeker, the Access Seeker must agree that if a dispute exists with respect to the Regime, only the Tribunal (or an alternative arbitrator appointed by the Tribunal in accordance with Part 4A of the Independent Pricing and Regulatory Tribunal Act) will act as arbitrator and that Part 4A of the Independent Pricing and Regulatory Act will apply to govern the Arbitration.
- 6.3 For the purposes of this clause 6 of the Regime and Part 4A of the Independent Pricing and Regulatory Tribunal Act, any determination or decision by IPART in relation to:
- (a) approving the Rate of Return to be applied for the purposes of Schedule 3;

- (b) reviewing or revising the estimate of remaining mine life under clause 3.2(c)(ii) of Schedule 3;
- (c) approving RIC's published policy for the operation of the Unders and Overs Account under clause 4(f) of Schedule 3;
- (d) determining whether RIC has complied with the Asset Valuation Roll Forward Principles and determining what Closing Regulatory Asset Base would comply with those principles, under clause 5(b)(i) of Schedule 3; and
- (e) determining whether RIC has complied with the ceiling test under clause 5(b)(ii) of Schedule 3,

is not subject to Arbitration and in any Arbitration a dispute shall not be taken to exist with respect to any matter which is the subject of a determination or decision by IPART in relation to paragraphs (a) to (e) above.

6.4 The Arbitrator shall publish the Determination and any information before the Arbitrator relevant to the Determination other than:

- (a) Confidential Information; or
- (b) information relating to the operation of the market which the Arbitrator considers should not be published.

6.5 The Arbitrator may, at its discretion, publish Confidential Information in relation to clause 6.4 of this Regime provided that in the exercise of this discretion it takes into account any submissions by the parties to the dispute that the information is confidential and should not be published.

7. THE CORPORATION

7.1 The Corporation must:

- (a) promote and provide Access consistent with the Regime; and
- (b) use all reasonable endeavours to accommodate the Access and New Investment requirements of Access Seekers.

7.2 The Corporation must provide Public Notice of its capacity transfer policy.

7.3 The Corporation must not engage in the business of Rail Operations for reward. For the avoidance of doubt, the Corporation may undertake Rail Operations for the purpose of inspecting or maintaining the NSW Rail Network.

7.4 The Corporation must structure its accounting, business and financial arrangements to facilitate:

- (a) the effective resolution of disputes;

- (b) transparency in its:
 - (i) Agreements, including as among the various Access Seekers;
 - (ii) financial relations with the Government;
- (c) the operations of the Australian Rail Track Corporation, including interstate access; and
- (d) the development, promotion and operation of the Regime so that it may be “effective” within the meaning of Part IIIA of the Trade Practices Act.

7.5 The Corporation must maintain separate accounts for any elements of its business which do not relate to:

- (a) the holding, management and establishment of the NSW Rail Network for Rail Operations; or
- (b) the provision of Access pursuant to the Regime.

7.6 The Corporation must not engage in conduct aimed at unreasonably hindering Access to the NSW Rail Network by Access Seekers.

8. **INFORMATION DISCLOSURE BY THE CORPORATION**

8.1 The Corporation must provide the Information Package to an Access Seeker that requests the Information Package and that can demonstrate the capability necessary to become an Access Seeker.

8.2 The Information Package is to be provided to the Access Seeker within 28 days of the Access Seeker requesting a copy of the Information Package and paying of any applicable fee.

8.3 The Information Package must include the following:

- (a) the Regime;
- (b) the categories of information described in Schedule 5 to the extent relevant to the proposed Rail Operations;
- (c) a description of the Corporation’s procedures relating to specific Access requests, including a detailed description of the information the Corporation requires in order to consider an Access request; and
- (d) the pricing policy of the Corporation.

8.4 The Corporation:

- (a) must not include in the Information Package information which could lead to material harm to any Access Seeker if disclosed; and

- (b) may recategorise or aggregate the Information Package to the extent necessary to ensure that the disclosure of information does not or is not likely to lead to material harm to the interests of Access Seekers and does not or is not likely to cause the Corporation to breach a confidentiality obligation.
- 8.5 Subject to clause 8.4, nothing in this Regime diminishes the Corporation's:
- (a) obligation to provide Information Packages to Access Seekers, notwithstanding any agreements entered into by the Corporation and Access Seekers; and
 - (b) rights to require appropriate confidentiality undertakings from Access Seekers.
- 8.6 The Corporation may require the payment of a reasonable fee for copying the Information Package.
- 8.7 The Information Package shall be available to Access Seekers from within 3 months of the publishing of this Regime in the Gazette including asset values associated with Access to parts of the NSW Rail Network listed in Schedule 6.
- 8.8 Subject to Clause 8.4, an Access Seeker may request the Corporation to provide further information directly relating to the Access Seeker's request for specific train path(s), such further request may not be unreasonably refused by the Corporation.

9. **REVIEW OF REGIME**

- 9.1 The right to negotiate access to the NSW Rail Network in accordance with this Regime is to lapse on the fifth anniversary of the date on which it is certified an effective access regime by the Commonwealth Minister pursuant to section 44N of the Trade Practices Act 1974, unless the Regime is reviewed by the portfolio Minister and subsequently extended.
- 9.2 Where the right to negotiate access lapses in accordance with clause 9.1, no existing contractual rights and obligations are affected.

SCHEDULE 1 - FACILITIES

This schedule has been repealed.

SCHEDULE 2 - TERMS OF AGREEMENT

An Agreement must include the following terms:

- (i) Terms which detail:
 - (a) the Operational Specifications;
 - (b) the facilities and services to be provided by each party;
 - (c) the period for which rights exist, and arrangements for renewals;
 - (d) train control procedures and time-tabling;
 - (e) compliance with operational standards;
 - (f) procedures for emergencies and service interruptions;
 - (g) distribution of liability for risks;
 - (h) any confidentiality requirements or restrictions on the use or dissemination of information;
 - (i) any mechanism which can be used by each party to revoke or modify the Agreement;
 - (j) where the Agreement is reached after the conclusion of Arbitration processes referred to in clause 6 of the Regime, a mechanism by which each party can revoke or modify the Agreement if there has been a material change in circumstances;
 - (k) prices and charges;
 - (l) any mechanism relating to an Access Seeker's investment in the NSW Rail Network;
- (ii) A term that the rights to Access may only be utilised for Rail Operations complying with the Operational Specifications;
- (iii) A term that the parties are not to engage in conduct aimed at hindering Access to the NSW Rail Network by another person;
- (iv) A term that the parties remain responsible for complying with relevant laws; and
- (v) A term that, if a dispute exists with respect to the Regime, or this Agreement:
 - (a) only the Independent Pricing and Regulatory Tribunal (or an alternative arbitrator appointed by the Tribunal in accordance with Section 24B of the Independent and Regulatory Tribunal Act) will act as arbitrator; and

- (b) that Part 4A of the Independent Pricing and Regulatory Tribunal Act will apply to govern the Arbitration.

An Agreement may include additional provisions, including provisions, which in addition to (v) above, provide in the first instance for mediation or any other alternative dispute resolution mechanisms to be used to assist in the resolution of disputes.

SCHEDULE 3 - PRICING PRINCIPLES**1. Pricing Principles**

Prices will be negotiated so that the following requirements are satisfied:

- (a) Access revenue from every Access Seeker must at least meet the Direct Cost imposed by that Access Seeker. In addition, for any Sector or group of Sectors, revenue from Access Seekers together with Line Sector CSOs should, as an objective, meet the Full Incremental Costs of those Sectors (“**floor test**”).
- (b) For any Access Seeker, or group of Access Seekers, Access revenue must not exceed the Full Economic Costs of the Sectors which are required on a stand alone basis for the Access Seeker or group of Access Seekers (“**ceiling test**”).
- (c) Total Corporation Access revenues together with Line Sector CSOs must not exceed the stand alone Full Economic Costs of the entire NSW Rail Network.

2. Definitions and Interpretation**2.1 Definitions**

In this Schedule the following words and phrases have the corresponding meaning unless the contrary intention appears:

Asset Valuation Roll Forward Principles means the provisions of clause 3 of this Schedule by which the Opening Regulatory Asset Base in any year is adjusted to derive the Closing Regulatory Asset Base in that year.

Closing Regulatory Asset Base means the value of the Regulatory Asset Base at the end of a financial year determined in accordance with clause 3 of this Schedule.

Capital Contribution means a direct payment other than by way of an access price or charge by any person in connection with Capital Expenditure undertaken by the Corporation. Where a Capital Contribution is to be paid over a period of years, the value of the Capital Contribution may be represented as one figure calculated on a net present value basis.

Capital Expenditure means expenditure undertaken in order to increase the capacity, service quality or useful life of an asset but not including maintenance or operating expenditure.

Corridor Formation Assets means cuttings, embankments and tunnels (including lighting and ventilation).

Depreciation means depreciation of the Regulatory Asset Base, over the useful life of the Regulatory Assets calculated on a straight line basis.

Direct Costs means efficient, forward-looking costs which vary with the usage of a single operator within a 12 month period, plus a levellised charge for variable MPM costs, but excluding Depreciation..

Full Incremental Costs means all costs which could be avoided if a Sector was removed from the system.

Full Economic Costs are Sector specific costs including a permitted Rate of Return and Depreciation and an allocation of non-Sector specific costs such as train control and overheads including a Rate of Return and Depreciation on non-Sector specific assets. All included items are to be assessed on a stand alone basis.

Hunter Valley Coal Network means the group of Sectors located in the Hunter Valley utilised for the purpose of coal train movements as specified in Schedule 6.

Major Periodic Maintenance and/or **MPM** means planned maintenance expenditure on infrastructure assets at intervals of more than one year, including activities that renovate and refurbish the assets to achieve their predetermined service life and service level.

Opening Regulatory Asset Base means the value of the Regulatory Asset Base at the start of a financial year determined in accordance with clause 3 of this Schedule.

Rate of Return means a rate of return in percentage terms approved by IPART for a period of five years to be applied to the average of the Opening and Closing Regulatory Asset Base. The Rate of Return approved by IPART for the period from 1 July 1999 is 8.0 percent on a real, pre tax basis.

Regulatory Assets means the facilities and associated assets used in the provision of Access to the NSW Rail Network and where the term is used in relation to a Sector or group of Sectors shall include the facilities and associated assets used in the provision of Access to that Sector or those Sectors and includes non-Sector Specific Assets.

Regulatory Asset Base means the capital value of the Regulatory Assets as determined in accordance with clause 3 of this Schedule and further:

- (a) Shall be based on an initial valuation of the Regulatory Asset Base calculated using the depreciated optimised replacement cost methodology.
- (b) Where applied in relation to a Sector or group of Sectors means the capital value of that Sector or group of Sectors determined in accordance with clause 3 of this Schedule and includes that portion of non-Sector specific assets allocated in accordance with the Corporation's asset allocation policy.

Routine Maintenance means inspections and unplanned minor maintenance carried out annually or at more frequent cycles and includes track inspection, track patrolling, replacing broken track components, corridor maintenance, fence maintenance and signal testing.

Unders and Overs Account means the account established by RIC pursuant to clause 4 of this Schedule.

2.2 Interpretation

- (a) Unless the contrary intention appears, words and phrases defined in Schedule 7 have the same meaning when used in this Schedule.
- (b) Unless the contrary intention appears, the singular includes the plural and vice versa.
- (c) The assessment of costs on a standalone basis requires calculation based on the optimal configuration of rail infrastructure in order to serve all Access Seekers operating in a common end market.

3. Regulatory Asset Base

3.1 General

The Regulatory Asset Base shall be calculated in accordance with the following formula:

$$RAB_t = RAB_{t-1} + (RAB_{t-1} * \div CPI_t) + Add_t + Capex_t - Dep_t - Disp_t$$

Where:

RAB_t is: The Regulatory Asset Base in any given year t and represents the closing value of the Regulatory Asset Base for that year.

RAB_{t-1} is: The Regulatory Asset Base in the year prior to year t and represents the closing value of the Regulatory Asset Base for that year and is the Opening Regulatory Asset Base in year t .

$\div CPI_t$ is: The percentage change in the CPI from the year $t-2$ to the year $t-1$, calculated by using the average of the ABS Sydney All Groups Consumer Price Index for the four quarters to June in the year $t-1$ when compared to the average for the four quarters to June in the year $t-2$.

Add_t is: The addition of an existing Sector or an existing group of Sectors due to changes in demand in a common end market, valued at depreciated optimised replacement cost.

$Capex_t$ is: The actual Capital Expenditure for assets commissioned in relation to the Regulatory Asset Base for the year t , where that Capital Expenditure is incurred in accordance with the provisions of clause 3.3, less that portion of any Capital Contribution which is to recover Capital Expenditure.

Dep_t is: The Depreciation allowance for the year t .

$Disp_t$ is: The value of Asset Disposals in the year t as determined by the written down value attributed to them in the Regulatory Asset Base.

Year t is: The current year commencing on 1 July for which Access Charges are to apply.

3.2 Hunter Valley Coal Network

In determining the Regulatory Asset Base for the Hunter Valley Coal Network the following specific provisions apply.

- (a) For the purposes of calculating the Opening Regulatory Asset Base as at the year commencing 1 July 1999, the RAB_t for that year is as set out in the letter from the Minister for Transport to the Corporation dated 7 December 2001, and is to apply for all purposes as the valuation of the Opening Regulatory Asset Base in that year;
- (b) For the purposes of calculating the $Capex_t$:
 - (i) Only Capital Expenditure which relates to coal traffic on a standalone basis is to be included.
 - (ii) Capital expenditure which is prudently incurred including Capital Expenditure which is reasonably anticipated to be required to meet minimum demand within a five year horizon (from the date of commencement of construction) is to be included.
 - (iii) In determining whether Capital Expenditure is prudently incurred including whether Capital Expenditure is reasonably anticipated to be required to meet minimum demand within a five year horizon (from the date of commencement of construction), the Corporation must undertake the consultation process set out in clause 3.4.
 - (iv) If Capital Expenditure is not prudently incurred including Capital Expenditure which is not reasonably anticipated to be required to meet minimum demand within a five year horizon (from the date of commencement of construction), then it may subsequently be included provided that the Corporation has not otherwise recovered the expenditure by way of a Capital Contribution; and:
 - A. circumstances have subsequently changed so that the Capital Expenditure is, at the time at which it is to be included in the Regulatory Asset Base, reasonably anticipated to be required to meet demand within a five year horizon; or
 - B. prior to being commissioned, Access Seekers agree to its inclusion in the Regulatory Asset Base.
- (c) For the purposes of calculating the Depreciation allowance in any year:
 - (i) Depreciation is to be calculated at the beginning of each financial year, using a straight-line methodology and the estimate of the remaining useful life of the assets.
 - (ii) The useful life of a Sector or group of Sectors is to be determined by reference to the remaining mine life of Hunter Valley coal mines utilising that Sector or those Sectors.
 - (iii) The initial estimate of remaining mine life is 40 years from 1 July 1999.

- (iv) The estimate of remaining mine life will be reviewed and if necessary revised every five years from and including 1 July 2004 by IPART or an independent consultant appointed by IPART.
- (v) Ongoing depreciation for future capital investment should be made based on the unexpired portion of the most recently estimated remaining mine life at the time the asset becomes operational.
- (vi) Depreciation is to be charged each year on the opening balance of the Regulatory Asset Base and on 100% of the actual Capital Expenditure of assets commissioned determined in accordance with clause 3.2 (b) for a period of half the year.

3.3 New Investment

- (a) At the request of an Access Seeker, or at its own instigation, the Corporation may undertake New Investments for the purposes of facilitating Access.
- (b) The Corporation will undertake those works provided that the requested works are not inconsistent with the implementation of its network management plan, including the timing of works to be undertaken under its network management Plan.
- (c) The cost of works undertaken under this Part can be recovered by the Corporation, at its election, through a Capital Contribution or in accordance with the pricing principles and methodology contained in this Schedule.
- (d) Notwithstanding that the Corporation recovers the cost of works in accordance with clause 3.3(c) to this Schedule, facilities constructed by or on behalf of the Corporation are owned by the Corporation.
- (e) Nothing in this part shall oblige the Corporation to undertake New Investment where the Access Seeker does not meet in full the costs of the New Investment, including any attributable costs associated with developing, operating and maintaining assets, including Major Periodic Maintenance costs, Routine Maintenance costs, depreciation and a rate of return on assets, and any attributable non-Sector specific costs. A Capital Contribution may be paid over a period of a number of years.

3.4 Capital Expenditure Consultation Process

- (a) The Corporation shall:
 - (i) work with Access Seekers to identify and prioritise future network investments, and to refine capital works programs; and
 - (ii) formally evaluate significant future investments, including alternatives, in consultation with Access Seekers.
- (b) As part of the consultation process with Access Seekers, RIC shall:
 - (i) explain the Corporation's planning approach, including the trade-off between Routine Maintenance and Major Periodic Maintenance and Capital Expenditure;

- (ii) identify the proposed capital investment needs for the forthcoming year, and include forecasts of Capital Expenditure for at least the following four years;
- (iii) explain the inputs to and outcomes of the evaluations undertaken for the proposed Capital Expenditure for the forthcoming year;
- (iv) provide an assessment of the impact of the proposed Capital Expenditure for the forthcoming year on the Regulatory Asset Base;
- (v) identify the projects that will be funded or partly funded by Capital Contributions; and
- (vi) establish a process for Access Seekers' input.

4. Unders and Overs Account

- (a) RIC will establish an Unders and Overs Account to manage average deviations around the maximum rate of return.
- (b) RIC will keep an account for Access Seekers and groups of Access Seekers who could potentially breach the Ceiling Test.
- (c) RIC will provide an annual reconciliation of each account to the applicable Access Seekers.
- (d) RIC will attempt to return the account balance to zero each year.
- (e) The Unders and Overs Account balance should not exceed +/-5 percent of forecast access revenue.
- (f) RIC will develop and publish a policy for the operation of the Unders and Overs Account in consultation with Access Seekers and submit to IPART for approval.

5. Compliance

- (a) The Corporation shall submit to IPART by 31 October each year in respect of the financial year completed on 30 June of that year:
 - (i) documentation demonstrating its compliance with the Asset Valuation Roll Forward Principles;
 - (ii) details as to the compliance with the ceiling test, including the operation of its Unders and Overs Account.
- (b) IPART shall determine whether:
 - (i) the Corporation has complied with the Asset Valuation Roll Forward Principles and, in the event that IPART determines that the Corporation has not complied with the Asset Valuation Roll Forward Principles, it shall determine what Closing Regulatory Asset Base would comply with those principles.

- (ii) the Corporation has complied with the ceiling test, having regard to the operation of its Unders and Overs Account.
- (c) In determining whether the Corporation has complied with the Asset Valuation Roll Forward Principles, IPART may have regard to the submissions of users to the consultation process in clause 3.4, but not otherwise have regard to the submissions of users which are inconsistent with such submissions.
- (d) IPART shall publish its findings on its web site and/or circulate to operators in relation to the matters for its determination as set out in clause 5(b).
- (e) The Corporation shall revise the Closing Regulatory Asset Base and manage its Unders and Overs Account in accordance with any determination by IPART pursuant to clause 5(b).

SCHEDULE 4 - PASSENGER ARRANGEMENTS

- (i) The initial and subsequent Passenger Arrangements must apply in respect of the NSW Rail Network Routes.
- (ii) The initial Passenger Arrangements are the Authority's passenger service timetable
 - (a) applying at 1 July 1996;
 - (b) as determined by the Authority; and
 - (c) including Route-specific Agreements which are to expire on dates to be agreed between the Authority and the Corporation.
- (iii) Subsequent Passenger Arrangements shall:
 - (a) come into force on the expiry of the initial Route-specific Agreements referred to in sub-paragraph (ii)(c) above;
 - (b) be on Route-specific bases and be negotiated and agreed by the Authority and the Corporation with reference to:
 - 1. review by the Authority and the Corporation of existing arrangements and the future requirements of the Authority;
 - 2. the Authority's passenger service timetable to apply from that time;
 - 3. the Government's policy of providing priority for passenger services, and other objectives indicated in the State Owned Corporations Act and the Transport Administration Act and relevant regulations; and
 - 4. other Access Seekers' reasonable requirements for Access.
- (iv) If agreement cannot be reached on Passenger Arrangements within a reasonable time for those arrangements to be implemented, then:
 - (a) the matter may be arbitrated under the provisions of the Regime; and
 - (b) until an Agreement is reached, or a determination made, the previous passenger arrangement shall remain in force.
- (v) For the purposes of paragraph (iv), reasonable time shall include the time needed to change and publicise the Authority's published passenger service timetable.

- (vi) The “Indian Pacific” passenger service is deemed to be an Authority passenger service train for the purposes of this Schedule.

SCHEDULE 5 – INFORMATION PACKAGE

The Information Package will include:

- (i) Network Configuration
 - Diagrammatic map of the Corporation's network, showing track configuration
 - Diagrammatic map showing Sector codes, as used for asset management and costing purposes
 - Route kilometres and track kilometres by Sector
 - Curve and gradient diagrams, and ruling grades by Sector
 - Line class and track design characteristics, by Sector

- (ii) Recurrent Costs
 - The Corporation's Total Costs disaggregated into:
 - Infrastructure maintenance, further disaggregated into:
 - Routine maintenance
 - Major Periodic Maintenance
 - Network control costs
 - Terminal management costs
 - Depreciation, where applicable
 - Technical services costs
 - Interest.
 - Overhead costs, further disaggregated into:
 - Corporate overheads
 - Marketing overheads
 - Asset management overheads
 - Train operations and network control overheads
 - Cost attribution methodology used to allocate costs to Sectors for the purpose of this Schedule
 - Attributed costs by Sector
 - Indicative variable cost rates by region

- (iii) Capital Costs
 - Asset values by asset class, allocated by Sector.
 - Treatment of depreciation
 - Committed capital works and capital investment
 - Cost of debt
 - Capital structure

- (iv) System Usage
Gross tonnes per annum by Sector, aggregated into the following tonnage bands
gross tonnes per annum
0-200,000
200,001-500,000
500,001-1 million
1-2.5 million
2.5-5 million
5-7.5 million
7.5-10 million
10-15 million
15-20 million,
thereafter in increments of 10 million gross tonnes
- (v) Operational and other information:
Indicative sectional running times for various types of standard train.
Indicative maximum trailing tonnages for locomotives of various characteristics, by Sector.
Maximum axle loads and speed restrictions, by Sector.
Indicative maximum train lengths, by Sector.
The Corporation's Transit Space Standards (defining dimensional requirements for Rolling Stock).
The Corporation's standard access agreement
The Corporation's credit policy, when available
- (vi) Unutilised Capacity
Indicative figures for the number of unutilised Train Paths for representative trains of various configurations and characteristics as follows:
by Sector;
by time period; and
by day of week.
That part of the Master Timetable (excluding Rail Operator identity) that is directly relevant to the Access Seeker
- (vii) Arbitration Information
A copy of any Determinations published by the Arbitrator in relation to the Regime

SCHEDULE 6 - HUNTER VALLEY NETWORK - SECTORS

	ROUTE KM
441 SANDY HOLLOW JCT TO ULAN COLLIERY JCT	103.42
418 CAMBERWELL JUNCTION TO GLENNIES CREEK	6.89
419 GLENNIES CREEK TO NEWDELL JUNCTION	8.59
448 MUSWELLBROOK TO BENGALLA	5.20
449 BENGALLA TO SANDY HOLLOW	37.98
460 TELERAH TO FARLEY	0.50
423 MUSWELLBROOK TO DARTBROOK JCT	7.53
422 DRAYTONS JCT TO MUSWELLBROOK	17.04
421 NEWDELL JCT TO DRAYTONS JCT	9.57
417 WHITTINGHAM TO CAMBERWELL JCT	12.66
428 BRANXTON TO WHITTINGHAM	18.57
416 FARLEY TO BRANXTON	21.59
415 MAITLAND TO FARLEY	1.29
510 THORNTON TO MAITLAND (VIA COAL)	10.40
509 SANDGATE TO THORNTON (VIA COAL)	12.33
504 HANBURY JCT TO SANDGATE (VIA COAL)	1.64
503 WARATAH TO HANBURY JCT (VIA COAL)	2.26
502 SCHOLEY ST JCT TO WARATAH (VIA COAL)	1.40
411 ISLINGTON JCT TO WARATAH	1.50
410 WOODVILLE JCT TO ISLINGTON JCT	0.87
497 BROADMEADOW TO WOODVILLE JCT	0.85
407 ADAMSTOWN TO BROADMEADOW (VIA MAIN)	1.60
490 SULPHIDE JCT TO ADAMSTOWN	8.05
406 COCKLE CREEK TO SULPHIDE JCT	3.15
405 NEWSTAN JCT TO COCKLE CREEK	7.18
500 ISLINGTON JCT TO SCHOLEY ST JCT	0.49
501 SCHOLEY ST JCT TO PORT WARATAH	4.94
506 KOORAGANG EAST JCT TO SANDGATE	0.87
505 HANBURY JCT TO KOORAGANG EAST JCT	1.11
507 KOORAGANG EAST JCT TO KOORAGANG ISLAND	9.20
532 WHITTINGHAM TO SAXONVALE JCT	7.97
534 SAXONVALE JCT TO MOUNT THORLEY	4.97
536 NEWDELL BRANCH	2.66
457 DUNGOG TO CRAVEN	46.54
456 MARTINS CREEK TO DUNGOG	26.70
451 TELERAH TO MARTINS CREEK	23.60
450 MAITLAND TO TELARAH	2.16

SCHEDULE 7 DEFINITIONS

DEFINITIONS

Access means the right to enter onto the NSW Rail Network to operate or move rolling stock.

Access Purchaser means a person who has contracted with a Rail Operator in respect of the operation or movement of Rolling Stock.

Access Seeker means the following:

- (a) A Rail Operator; or
- (b) A prospective Rail Operator who, in the opinion of the Corporation, has the capacity to provide rail services of the type for which Access is sought; or
- (c) An Access Purchaser; or
- (d) A prospective Access Purchaser who, in the opinion of the Corporation, has the capacity to secure and properly manage the services of a Rail Operator; or
- (e) The Australian Rail Track Corporation.

Agreement means an agreement under which the Corporation grants Access to an Access Seeker.

Arbitrator means the Independent Pricing and Regulatory Tribunal established under the Independent Pricing and Regulatory Tribunal Act or a person appointed to act as arbitrator under section 24B(1) of that Act.

Arbitration means the procedures specified in Part 4A of the Independent Pricing and Regulatory Tribunal Act.

Australian Rail Track Corporation means the Australian Rail Track Corporation (ACN 081 455 754).

Authority means the State Rail Authority constituted under the Transport Administration Act.

Capacity means the number of Rail Operations which can be accommodated on a Route during a particular time, having regard to the characteristics of that Route, the Operational Specifications for Rail Operations on that Route and of the relevant Rolling Stock.

Commercial Arbitration Act means the Commercial Arbitration Act 1984 (NSW).

Competition Policy Reform Act means the Competition Policy Reform Act 1995 (Cth).

Competition Principles Agreement means the Competition Principles Agreement made on 11 April 1995 by the Commonwealth, the Territories and the States, as in force for the time being.

Confidential Information means information which is not publicly available and the disclosure of which might reasonably be expected to affect materially the commercial affairs of a person.

Corporation means the Rail Infrastructure Corporation constituted under the Transport Administration Act.

Determination means a determination made by the Arbitrator under s.24C of the Independent Pricing and Regulatory Tribunal Act in arbitrating a dispute under this Regime.

Director General means the Director General of the NSW Department of Transport.

Independent Pricing and Regulatory Tribunal Act means the Independent Pricing and Regulatory Tribunal Act 1992 (NSW).

Information Package means the information package described in schedule 5.

Line Sector CSOs means payments from the Director-General of the NSW Department of Transport to enable RIC to meet its obligations to renew, restore, manage, upgrade and grant access to any part of the Network, but excludes any incentive payments including payments in respect of the achievement of key performance indicators.

Minister means the portfolio Minister for the Corporation.

Negotiations means negotiations leading, or intended to lead, to an Agreement.

New Investment means investment which extends or increases the capacity or efficiency of the NSW Rail Network.

NSW Rail Network means the rail network owned, vested in or exclusively controlled and operated by the Corporation .

Operational Specifications means the technical specifications for Rail Operations on a Route, including, where relevant, time of entry to and exit from the Route, duration of use of the Route, maximum speeds, maximum axle loads, commodities to be transported, technical specifications of Rolling Stock, and Operational and Safety Standards.

Operational Standards means those standards which relate to the safe operation of any or all of the following - the NSW Rail Network, Rolling Stock, assets utilised by the Corporation, assets used by Rail Operators.

Passenger Arrangements means those arrangements specified in Schedule 4.

Public Notice includes notification in the national, state capital and local press and in the NSW Government Gazette.

Rail Operations means the operation or moving, by any means, of any Rolling Stock on the NSW Rail Network.

Rail Operator means a person who is responsible for the operation or moving, by any means, of any Rolling Stock on the NSW Rail Network.

Rail Safety Act means the Rail Safety Act 1993 (NSW).

Regime means this NSW Rail Access Regime.

Rolling Stock means a vehicle that operates on or uses a railway track and that is used or proposed to be used to transport passengers or freight (or both) on a railway track.

Route means that geographic part of the NSW Rail Network for which an Access Seeker is seeking to negotiate, or is negotiating, or has entered into an Agreement with the Corporation.

Sector means a continuous length of track with end points as determined by Rail Access Corporation from time to time for its management purposes, usually delineated by major junctions or traffic origins and including all facilities associated with the track on that sector.

State Owned Corporations Act means the State Owned Corporations Act 1989 (NSW).

Trade Practices Act means the Trade Practices Act 1974 (Cth).

Transport Administration Act means the Transport Administration Act 1988 (NSW).

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established by the Independent Pricing and Regulatory Tribunal Act 1992 (NSW).

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, NSW 2000, up til 9.30 am on the dates shown below:

1 April 2003

004/300 CHAIRS - OFFICE AND GENERAL PURPOSE (SUPPLEMENTARY ITEMS). DOCUMENTS: \$0.00 PER SET

2 April 2003

0203185 SUPPLY OF PROTECTIVE CLOTHING FOR THE NSW RURAL FIRE SERVICE. DOCUMENTS: \$110.00 PER SET

0300373 SUPPLY AND DELIVERY OF LEATHERWEAR FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

0300374 MANUFACTURE AND SUPPLY OF OVERALLS FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

9 April 2003

S0200178 PROVISION OF JURORS MEALS AT DARLINGHURST AND QUEENS SQUARE COURTS. DOCUMENTS: \$110.00 PER SET

035/955 ENTERAL FEEDING PRODUCTS. DOCUMENTS: \$110.00 PER SET

0300387 PRINTING 2003 HIGHER SCHOOL CERTIFICATE EXAMINATION WRITING BOOKLETS. DOCUMENTS: \$110.00 PER SET

0300344 MANUFACTURE & SUPPLY OF RAINWEAR TO NSW POLICE. DOCUMENTS: \$110.00 PER SET

0300375 MANUFACTURE & SUPPLY OF HEADWEAR TO NSW POLICE. DOCUMENTS: \$110.00 PER SET

15 April 2003

036/218 INTRAVENOUS (IV) ADMINISTRATION EQUIPMENT. DOCUMENTS: \$110.00 PER SET

16 April 2003

036/3003 INFANT CARE. DOCUMENTS: \$110.00 PER SET

0300478 INSPECT, MAINTAIN MOORINGS AT COFFS HARBOUR & BYRON BAY MARINE PARKS.. DOCUMENTS: \$110.00 PER SET

23 April 2003

0300208 SUPPLY OF GENERAL DUTY PRISONER VEHICLES AND MODULES FOR POLICE. DOCUMENTS: \$110.00 PER SET

0300384 PRINTING 2003 HIGHER SCHOOL CERTIFICATE EXAMINATION PAPERS VOLUME 3M. DOCUMENTS: \$110.00 PER SET

0300385 PRINTING 2003 SCHOOL CERTIFICATE EXAMINATION PAPERS. DOCUMENTS: \$110.00 PER SET

0300386 PRINTING 2003 HSC EXAMINATION PAPERS VOLUME 1E. DOCUMENTS: \$110.00 PER SET

024/7231 PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM. DOCUMENTS: \$110.00 PER SET

0203074 PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM. DOCUMENTS: \$110.00 PER SET

0300658 MANF. & SUPPLY HOLSTERS, BELTS & APPOINTMENTS FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

0300404 SUPPLY AND INSTALLATION OF A COMPUTER-TO-PLATE IMAGING SYSTEM. DOCUMENTS: \$110.00 PER SET

24 April 2003

S0256275 PANEL OF PRE-QUALIFIED CONTRACTORS, WASTE AUDITORS. DOCUMENTS: \$110.00 PER SET

30 April 2003

0300127 PRINTING & MAILING FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

1 May 2003

0300085 ELECTRONIC MONITORING SYSTEMS FOR HOME DETENTION. DOCUMENTS: \$110.00 PER SET

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>).

cmSolutions**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.

Three weeks closing on 31st March 2003

Tender No. 35799. Tenders are being sought on the behalf of the Department of Education and Training for the reporting phase of the Computer Skills Assessment. The Computer Skills Assessment is undertaken by Year 6 students in schools in NSW and consists of 2 parts, a practical component and a pencil and paper test.

Data from both tests will be supplied for the tenderer to generate the reports. The reporting phase will be conducted in 2 stages. One report will be generated and sent to NSW schools in June 2003. The balance of Reports will be produced and sent to schools in August 2003.

This tender includes the generating of reports, the printing of reports and the pack and distribution of reports.

Enquiries: Kim Cooper (02) 9743 8777

Three weeks closing Monday 21st April 2003

Tender No. 36135. Tenders are invited on behalf of Q Stores for the printing & binding of the Q Stores Catalogue. This publication will be of the highest quality produced. Printing of the catalogue consists of two separate publications of between 520 and 528 full colour printed pages plus covers simultaneously produced and delivered. For further enquires contact David Brendish on 9743 8777.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BATHURST CITY COUNCIL

Roads Act 1993

Naming of Public Roads – Rankens Bridge Road,
Ecrates Place, Research Station Drive

NOTICE is hereby given that Bathurst City Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as follows:

Location	New Street Name
Part of the existing road currently known as Eglinton Road, south of Logan Street and Hobson Close and north of the part of Eglinton Road to the south of the Macquarie River.	Rankens Bridge Road.

Part of the existing road currently known as Halfpenny Drive that extends 600 metres north-east of James Barnet Drive. The existing road beyond this is to remain as Laffing Waters Lane.	Ecrates Place.
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The existing road access from Research Station Drive. Browning Street to the Agricultural Research Station, opposite Furness Street.

Authorised by resolution of the Council on 19th March, 2003. BATHURST CITY COUNCIL, Private Mail Bag 17, Bathurst, NSW 2795. [0231]

DUBBO CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Dubbo City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines or deposits of minerals within such land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Dubbo this 25th day of March 2003. GRAHAME MARCHANT, General Manager, Dubbo City Council, PO Box 81, Dubbo, NSW 2830.

SCHEDULE

Lot 1, DP 1039575. [0240]

LIVERPOOL CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that The Council of the City of Liverpool dedicates the lands described in the Schedule below as public road under section 10 of the Roads Act 1993. GENERAL MANAGER, The Council of the City of Liverpool, Locked Bag 7064, Liverpool BC, NSW 1871.

SCHEDULE

All that piece or parcel of land known as Lot 104 in DP 865917 in The Council of the City of Liverpool, Parish of St Luke, County of Cumberland and as described in Folio Identifier 104/865917. [0232]

WARRINGAH COUNCIL

Roads Act 1993, Division 2, Part 8

Proposed Three (3) Tonne Load Limit – Carew Street,
Dee Why

NOTICE is hereby given that Council proposes to impose a three (3) tonne load limit on Carew Street between The Crescent and Delmar Parade. This action is to improve safety and protect the residential amenity of Carew Street from unnecessary use by heavy vehicles. Any person may object to the proposal by writing to Council before 21st April, 2003. WARRINGAH COUNCIL, Civic Centre, Pittwater Road, Dee Why, NSW 2099. [0234]

WARRINGAH COUNCIL

Roads Act 1993, Division 2, Part 8

Proposed Three (3) Tonne Load Limit – Grace Avenue
and Princes Charles Road, Frenchs Forest

NOTICE is hereby given that Council proposes to impose a three (3) tonne load limit on Grace Avenue/Prince Charles Road between Russell Avenue and Adams Street; Grace Avenue between the southern arm of Sorlie Place and Fitzpatrick Avenue West. This action is to improve safety and protect the residential amenity of these roads from unnecessary use by heavy vehicles. Any person may object to the proposal by writing to Council before 21st April, 2003. WARRINGAH COUNCIL, Civic Centre, Pittwater Road, Dee Why, NSW 2099. [0235]

WYONG SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice Under Section 19 (1)

THE Wyong Shire Council (a water supply Authority) declares, with the approval of the Governor, pursuant to section 30 (1) of the Land Acquisition (Just Terms Compensation) Act 1991, that the interest in land described in the attached Schedule is acquired by compulsory process.

Pursuant to section 318 (1) of the Water Management Act 2000 this acquisition is taken to be an authorised work and Wyong Shire Council (a water supply authority) is taken to be the Constructing Authority for the purposes of the Public Works Act 1912.

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

SCHEDULE

An easement to drain sewage 1.5 metres wide over Lot 522, DP 822129 shown on Deposited Plan 1041481 and therein designated "Proposed Easement to Drain Sewage 1.5 Wide". [0236]

PENRITH CITY COUNCIL

Roads (General) Regulation 2000

Naming of Public Roads

PURSUANT to Clause 9 of the Roads (General) Regulation 2000, notice is hereby given of the naming of the following roads:

Name	Location
Ballybunnion Terrace	off Garswood Road, Glenmore Park
Muirfield Crescent	off Ballybunnion Terrace, Glenmore Park
Bayldon Place	off Sorenson Crescent, Glenmore Park
Butcherbird Place, Ridgetop Drive, Sunbird Terrace, Jacana Way, Wattlebird Crescent, Whimbrel Way	off Shearwater Drive, Glenmore Park
Shearwater Drive	off Ridgetop Drive, Glenmore Park
Harrower Place	off Luttrell Street, Glenmore Park
Linara Circuit	off Woodlands Drive, Glenmore Park
Punka Place	off Kukundi Drive, Glenmore Park
Riviera Place	off Sunningdale Drive, Glenmore Park
Rosecrea Court	off Ridgetop Drive, Glenmore Park
Wallan Avenue	off Talara Avenue, Glenmore Park
Coco Drive	off Talara Avenue, Glenmore Park
Bindee Close and Gili Place	off Coco Drive, Glenmore Park
Cedarwood Place	off Sherringham Road, Cranebrook
Citronelle Court	off Cedwarwood Place, Cranebrook
Crossandra Close	off Ben Nevis Road, Cranebrook
Middleton Avenue	off Hindmarsh Street, Cranebrook
Calabrio Place and Tuscano Court	off Regulus Street, Erskine Park
Sorrento Place	off Chameleon Drive, Erskine Park
Nardi Terrace	off Castle Road, Orchard Hills
Quigg Place	off Caddens Road, Orchard Hills
Gallipoli Street	between Ainsbury Road and Hall Street, St Marys
Kommer Place	off Dunheved Circuit, St Marys
Cherrybrook Chase	off Londonderry Road, Londonderry
Tuscany Grove	off Fragar Road, South Penrith
Museum Drive	off Castlereagh Road, Penrith
Persoonia Avenue and Geebung Close	off Castlereagh Road, Agnes Banks

Renaming of Roads

PURSUANT to Clause 9 of the Roads (General) Regulation 2000, notice is hereby given of the renaming of the following roads:

Previous Name	Location	New Name
Inglewood Drive	off Glenmore Parkway, Glenmore Park	Blue Hills Drive
Firebird Place	off Sunbird Terrace, Glenmore Park	Condor Place
section of Gibbes Street	off Wolseley Street, Regentville	Wolseley Street
section of Lawson Street	off Great Western Highway, Emu Plains	Pyramid Street
section of Boundary Road	between intersection with Laycock and Hindmarsh Streets to closure at Callisto Drive, Cranebrook	Dulhunty Court
section of Boundary Road	between intersection with Callisto Drive to Goldmark Crescent, Cranebrook	Marrett Way

ALAN TRAVERS, General Manager, Penrith City Council, Civic Centre, 601 High Street, Penrith, NSW 2750.

[0241]

QUIRINDI SHIRE COUNCIL

Local Government Act 1993

Notice of Proposal to Sell Land

IN accordance with section 715 (1) of the Local Government Act 1993, Quirindi Shire Council gives notice that it proposes to sell the land described hereunder of which the persons named hereunder appear to be owners or in which case they appear to have an interest and on which the amount of rates stated in each case, as at 19th March, 2003 is due.

Owner(s) or person(s) having interest in the land	Description of subject land	Amount of rates and charges (including extra charges) overdue for more than five (5) years (\$)	Amount of all other rates and charges (including extra charges) payable and unpaid (\$)	Total (\$)
(a)	(b)	(c)	(d)	(e)
G. J. DAVIDSON.	Lot 33, DP 12094, Ellerslie Street, Premer, Parish Bomera, County Pottinger.	\$588.90	\$2,684.04	\$3,272.94
F. and E. M. MOGOR.	Lots 14/15, section 6, DP 758182, Village of Bundella, Parish Lawson, County Pottinger.	\$1,387.33	\$2,361.81	\$3,749.14
J. M. WATTS.	Lots 13/15, section 8, DP 758863, Church Street, Quirindi, Parish Quirindi, County Buckland.	\$492.90	\$4,962.93	\$5,455.83
Estate M. T. BOURKE.	Part Lot 9, section 11, DP 758863, 50 Fortune Street, Quirindi, Parish Quirindi, County Buckland.	\$287.83	\$4,801.73	\$5,089.56
J. M. WATTS.	Lot 7, section 8, DP 2674, 18 Pittsford Street, Quirindi, Parish Quirindi, County Buckland.	\$679.51	\$4,051.13	\$4,730.64

In default of payment to Council of the amount stated in Column (e) above and any other rates (including extra charges), becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by public auction by Raine & Horne, Quirindi at the Council Chambers situated at 60 Station Street, Quirindi on Saturday, 28th June, 2003 at 10.00 a.m. R. C. HUNT, General Manager, Quirindi Shire Council, PO Box 152, Quirindi, NSW 2343.

[0233]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PATRICK CORBALLY STOURTON, late of 9 Walsh Street, Taralga, in the State of New South Wales, art dealer, who died on 13th October, 2002 must send particulars of his/her claim to the executor, Nicholas Simon Corbally Stourton, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th March, 2003. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [0237]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of HERMINE PARTMANN, late of 16 Drysdale Place, Kareela, in the State of New South Wales, who died on 14th November, 2002 must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th March, 2003. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde, NSW 2114 (DX 27551, West Ryde), tel.: (02) 9858 1533. [0238]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CLIVE LEON JESSOP, late of Minto, in the State of New South Wales, who died on 30th December, 2002 must send particulars of his claim to the executor, Susan Bullen, c.o. Olliffe & Co., Solicitors, 7/1-5 Jacobs Street, Bankstown, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 18th March, 2003. OLLIFFE & CO., Solicitors, 7/1-5 Jacobs Street, Bankstown, NSW 2200 (DX 11213, Bankstown), tel.: (02) 9790 3903. [0239]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of TERESA MAUDE COTTER, late of 174 Victoria Road, Rozelle, in the State of New South Wales, who died on 14th January, 2003 must send particulars of his/her claim to the executor, Peter Charles Cotter, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 19th March, 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle, NSW 2039. [0242]

COMPANY NOTICES

NOTICE convening final meeting of members pursuant to sub-section 509 (3) and (4) of the Corporations Act.—BRYANT MAZARAKI MURPHY PTY LIMITED (In liquidation), ABN 85 001 352 361.—Notice is hereby given that a general meeting of members of the abovenamed company will be held at 374 Joalah Road, Duffys Forest, New South Wales on the 25th day of April 2003 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 21st day of March 2003. JAMES HOWARD BYRANT, Liquidator, 374 Joalah Road, Duffys Forest, NSW 2084. [0243]

NOTICE of application relating to G. V. LIVESTOCK BUYERS PTY LIMITED, ACN 051 418 912.—In respect of proceedings commenced on 25th November, 2002.—Application will be made by Humble, Allen, Power & Co. Pty Limited to the Supreme Court of New South Wales at 10.00 a.m. on 10th April, 2003 at Court 7A, Level 7, Supreme Court, Queens Square, Sydney where application will be made for an Order under section 459A, 459C and 459P of the Corporations Act 2001, for an Order that the company be wound up. Copies of the documents filed may be obtained under the Rules. Any person intending to appear at the hearing must serve a Notice in the prescribed form so as to reach the address below not later than 1.00 p.m. on 9th April, 2003. PAUL NAPIER BYRNE, Plaintiff's Solicitor, c.o. Friedlieb Byrne, Solicitors, 99 Peter Street, Wagga Wagga, NSW 2650 (DX 5413, Wagga Wagga), tel.: (02) 6921 1733, fax: (02) 6921 7202. [0244]

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R. J. MILLIGAN, Government Printer.