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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

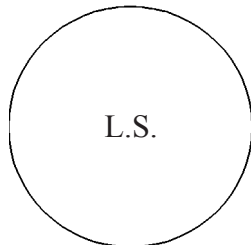
Crimes Legislation Amendment (Parole) Act 2003 No 25

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes Legislation Amendment (Parole) Act 2003*, do, by this my Proclamation, appoint 11 August 2003 as the day on which section 4 of, and Schedule 2 [5]–[16] to, that Act commence.

Signed and sealed at Sydney, this 6th day of August 2003.

By Her Excellency's Command,



L.S.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence certain amendments to the *Crimes (Administration of Sentences) Act 1999* made by the *Crimes Legislation Amendment (Parole) Act 2003*. The amendments relate to the constitution of the Parole Board and the signing of warrants committing offenders to correctional centres.



Proclamation

under the

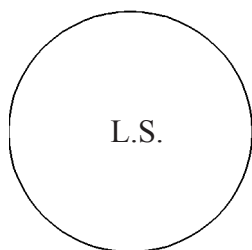
Guardianship Amendment (Enduring Guardians) Act 2002 No 89

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Guardianship Amendment (Enduring Guardians) Act 2002*, do, by this my Proclamation, appoint 8 August 2003 as the day on which Schedule 1 [13] to that Act commences.

Signed and sealed at Sydney, this 6th day of August 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provision of the *Guardianship Amendment (Enduring Guardians) Act 2002* which inserts section 6O (Recognition of enduring guardians appointed in other States and Territories) into the *Guardianship Act 1987*.

Regulations



Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

under the

Guardianship Act 1987

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

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

Explanatory note

Section 60 of the *Guardianship Act 1987* provides for the recognition in this State of enduring guardians appointed in other States and Territories. The object of this Regulation is to prescribe, for the purposes of that section, instruments made under laws of other States or of Territories with the result that persons appointed under those instruments will be interstate enduring guardians within the meaning of that section.

This Regulation is made under the *Guardianship Act 1987*, including section 60 (as inserted by the *Guardianship Amendment (Enduring Guardians) Act 2002*) and section 108 (the general regulation-making power).

Clause 1 Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

under the

Guardianship Act 1987

1 Name of Regulation

This Regulation is the *Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003*.

2 Commencement

This Regulation commences on 8 August 2003.

3 Amendment of Guardianship Regulation 2000

The *Guardianship Regulation 2000* is amended as set out in Schedule 1.

Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 5B

Insert after clause 5A:

5B Interstate enduring guardians

For the purposes of the definition of *interstate enduring guardian* in section 6O (5) of the Act, the following instruments are prescribed:

- (a) a power of attorney created under Division 2 of Part II of the *Medical Treatment Act 1994* of the Australian Capital Territory,
- (b) an enduring power of attorney created under section 12 of the *Powers of Attorney Act 1956* of the Australian Capital Territory,
- (c) an enduring power of attorney made under Part 2 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (d) an advance health directive made under Part 3 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (e) a medical power of attorney made under Division 3 of Part 2 of the *Consent to Medical Treatment and Palliative Care Act 1995* of South Australia,
- (f) an appointment of an enduring guardian made under Part 3 of the *Guardianship and Administration Act 1993* of South Australia,
- (g) an appointment of an enduring guardian made under Division 5A of Part 4 of the *Guardianship and Administration Act 1986* of Victoria,
- (h) an enduring power of attorney (medical treatment) made under Part 2 of the *Medical Treatment Act 1988* of Victoria,
- (i) an appointment of an enduring guardian made under Part 5 of the *Guardianship and Administration Act 1995* of Tasmania.



New South Wales

Parliamentary Remuneration Amendment (Office Holder Salary) Regulation 2003

under the

Parliamentary Remuneration Act 1989

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

BOB CARR, M.P.,
Premier

Explanatory note

Section 6 of the *Parliamentary Remuneration Act 1989* provides for holders of certain offices specified in Schedule 1 to that Act to receive a salary and an expense allowance in addition to the basic salary to which they are entitled as Members of Parliament. The additional salary and expense allowance is expressed as a percentage of the basic salary (as defined in section 4 of the Act).

The object of this Regulation is to provide that the Chair of the Standing Committee on Natural Resource Management is to be entitled to an additional salary and expense allowance of 7%.

This Regulation also updates certain references to “Chairman” in Schedule 1 to the Act.

This Regulation is made under the *Parliamentary Remuneration Act 1989*, including sections 6 (4) and 21 (the general regulation-making power).

Clause 1 Parliamentary Remuneration Amendment (Office Holder Salary)
Regulation 2003

Parliamentary Remuneration Amendment (Office Holder Salary) Regulation 2003

under the

Parliamentary Remuneration Act 1989

1 Name of Regulation

This Regulation is the *Parliamentary Remuneration Amendment (Office Holder Salary) Regulation 2003*.

2 Amendment of Parliamentary Remuneration Act 1989 No 160

The *Parliamentary Remuneration Act 1989* is amended as set out in Schedule 1.

Parliamentary Remuneration Amendment (Office Holder Salary)
Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Additional salaries and expense allowances

Omit “Chairman of Committees” wherever occurring in Part 2.

Insert instead “Chair of Committees”.

[2] Schedule 1, Part 2

Omit “Chairman of the Joint Standing” wherever occurring in Part 2.

Insert instead “Chair of the Joint Standing”.

[3] Schedule 1, Part 2

Omit “Chairman of the Social Issues” from Part 2.

Insert instead “Chair of the Social Issues”.

[4] Schedule 1, Part 2

Omit “Chairman of the State Development” from Part 2.

Insert instead “Chair of the State Development”.

[5] Schedule 1, Part 2

Omit “Chairman of the Committee on the Office of the Ombudsman”
from Part 2.

Insert instead “Chairperson of the Committee on the Office of the
Ombudsman”.

[6] Schedule 1, Part 2

Omit “Chairman of the Standing” wherever occurring in Part 2.

Insert instead “Chair of the Standing”.

[7] Schedule 1, Part 2

Insert at the end of the Part:

Chair of the Standing Committee on Natural Resource Management	7%	7%
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Rail Safety (Drug and Alcohol Testing) Regulation 2003

under the

Rail Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2002*.

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

The object of this Regulation is to provide for the testing of railway employees for alcohol and other drugs.

Part 1 (Preliminary) of the Regulation contains definitions of expressions and provides for the appointment of authorised officers for the purposes of the Regulation.

Part 2 (Offences relating to alcohol or other drugs) of the Regulation contains offences relating to the use of drugs (including alcohol) by railway employees at work.

Part 3 (Testing for alcohol or other drugs) of the Regulation sets out the procedures for testing railway employees for alcohol and other drugs and obtaining samples of blood and urine for that purpose. It sets out the circumstances when tests may be carried out, including random tests and tests arising from specific situations such as accidents or irregular incidents, as well as the kinds of samples and tests that may be required. The Part also contains safeguards relating to the taking and analysis of samples. Medical practitioners or nurses, and persons acting under their direction, for the purposes of the Part are excluded from civil or criminal liability in respect of things properly and necessarily done.

Part 4 (Offences relating to testing for alcohol or other drugs) of the Regulation creates a number of offences relating to a refusal or failure to undergo testing or to provide a sample when lawfully required, interfering with test results, a refusal or failure of a

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Explanatory note

qualified person to take a sample as required by the Regulation, hindering or obstructing a qualified person, and improperly interfering with, tampering with, or destroying samples.

Part 5 (Certificate evidence in proceedings) of the Regulation provides for certificates relating to the concentration of alcohol in blood to be prima facie evidence in proceedings for offences under the Regulation and also for certificates relating to the presence of other drugs in blood or urine samples to be prima facie evidence in such proceedings. Certificates as to the appointment of authorised officers will also be prima facie evidence of their contents.

Part 6 (Miscellaneous) of the Regulation provides that certain positive tests are relevant in determining whether a railway employee is a fit and proper person to be issued with a certificate of competency under section 36 of the *Rail Safety Act 2002*.

This Regulation is made under clause 2 of Schedule 1 to, and section 117 (the general regulation-making power) of, the *Rail Safety Act 2002*.

Rail Safety (Drug and Alcohol Testing) Regulation 2003

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Rail Safety (Drug and Alcohol Testing) Regulation 2003

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Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 1

Preliminary

Part 1

Rail Safety (Drug and Alcohol Testing) Regulation 2003

under the

Rail Safety Act 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Regulation 2003*.

2 Commencement

This Regulation commences on 8 August 2003.

3 Definitions

(1) In this Regulation:

analyst means:

- (a) an analyst within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or
- (b) a person employed by the owner or operator of an approved laboratory as an analyst.

approved laboratory means a laboratory approved for the purposes of this Regulation by the Director-General.

ASNZ 4308 means Australian/New Zealand Standard AS/NZ 4308: *Procedures for the collection, detection and quantitation of drugs of abuse in urine*.

authorised officer means a person who is appointed as an authorised officer under clause 4.

breath analysing instrument, breath analysis and breath test have the same meanings as they have in the *Road Transport (Safety and Traffic Management) Act 1999*.

drug means:

- (a) alcohol, or

Clause 4 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 1 Preliminary

(b) any substance that is a drug within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*.

hospital means a public or private hospital, and includes any premises, institution or establishment that is a hospital for the purposes of section 19 of the *Road Transport (Safety and Traffic Management) Act 1999* or that is prescribed by the regulations.

prescribed concentration of alcohol means a concentration of 0.02 grammes or more of alcohol in 100 millilitres of blood.

sample, in relation to urine, includes, if the sample is divided into portions, a portion of the sample.

the Act means the *Rail Safety Act 2002*.

- (2) A reference in this Regulation to a police officer authorised by the Commissioner of Police to operate breath analysing instruments is a reference to a police officer so authorised under the *Road Transport (Safety and Traffic Management) Act 1999*.
- (3) For the purposes of this Regulation, a thing is to be regarded as having been done by a medical practitioner or analyst if it is done by a person acting under the supervision or direction of the medical practitioner or analyst.
- (4) For the purposes of this Regulation, a power to require a person to provide a sample of blood or urine includes a power to require a person to provide samples of any one or more of blood or urine.
- (5) The notes in the text of this Regulation do not form part of this Regulation.

4 Appointment of authorised officers

- (1) The Director-General may, by instrument in writing, appoint any of the following persons to be an authorised officer for the purposes of exercising functions under this Regulation:
 - (a) an officer of the Department,
 - (b) in the case of a railway specified in an accreditation under the Act, a person nominated by a person accredited for railway operations in relation to that railway,
 - (c) any other person.
- (2) The Director-General may appoint as an authorised officer:
 - (a) a person by name, or

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 4

Preliminary

Part 1

-
- (b) the holder from time to time of a particular office by reference to the title of the office concerned.
- (3) The authority of an authorised officer may be limited by the relevant instrument of appointment to a particular part of the State, to a particular railway or to particular railway employees, or otherwise.
- (4) The authority of an authorised officer who is the nominee of an accredited person is limited to the railway specified in the accreditation of the person who nominates the officer to the Director-General for appointment.
- (5) The Director-General must furnish authorised officers with certificates of their appointment as authorised officers.
- (6) If the Director-General has appointed as an authorised officer the holder of an office, evidence that the authorised officer holds the office concerned has the same effect as the production of a certificate of appointment as an authorised officer.
- (7) An authorised officer must, if requested to do so, produce the certificate of appointment to any person required by the officer to submit to a breath test or to do any other thing under this Regulation.

Clause 5 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 2 Offences relating to alcohol or other drugs

Part 2 Offences relating to alcohol or other drugs

5 Offence—carrying out railway safety work with prescribed concentration of alcohol in blood

A railway employee who carries out railway safety work while the prescribed concentration of alcohol is present in the employee's blood is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

6 Offence—carrying out railway safety work while under influence of alcohol or other drug

- (1) A railway employee who carries out railway safety work while under the influence of alcohol or any other drug is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

- (2) If a person is charged with an offence under this clause:

- (a) the document commencing proceedings may allege the person was under the influence of more than one drug and is not liable to be dismissed on the ground of uncertainty or duplicity if each of those drugs is described in the document, and
- (b) the offence is proved if the court is satisfied beyond reasonable doubt that the defendant was under the influence of:
- (i) a drug described in the document commencing proceedings, or
- (ii) a combination of drugs any one or more of which was or were described in the document.

7 Double jeopardy

- (1) A railway employee is not liable to be convicted of both:
- (a) an offence under clause 5 of carrying out railway safety work while the prescribed concentration of alcohol is present in the employee's blood, and
- (b) an offence under clause 6 of carrying out that railway safety work while under the influence of alcohol or any other drug.

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 7

Offences relating to alcohol or other drugs

Part 2

-
- (2) A railway employee is not liable to be convicted of both:
- (a) an offence under clause 6 of carrying out railway safety work while under the influence of alcohol or any other drug, and
 - (b) an offence under clause 20 of refusing or failing to submit to a breath analysis or to provide a sample of blood or urine in connection with the carrying out of that railway safety work.

Clause 8 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 3 Testing for alcohol or other drugs

Part 3 Testing for alcohol or other drugs

8 Random and targeted testing of railway employees

- (1) An authorised officer may require any railway employee who the officer has reasonable cause to believe is on duty for the purpose of carrying out railway safety work, or who the officer has reasonable cause to believe is about to carry out railway safety work:
 - (a) to undergo a breath test in accordance with the directions of the officer, or
 - (b) to provide a sample of the employee's urine for the purpose of testing for the presence of drugs,or both.
- (2) The selection of a railway employee for testing may be conducted on a random or targeted basis.
- (3) A railway employee may be breath tested or required to undergo breath analysis whether or not there is any suspicion that the employee has recently consumed alcohol.
- (4) A railway employee is to be regarded as being about to carry out railway safety work if the employee:
 - (a) has left home or a temporary residence for work (being railway safety work), and
 - (b) has not commenced work after having so left home or the temporary residence.
- (5) In the case of a railway employee who was about to carry out railway safety work, the result of any such breath test (or of any subsequent breath or other analysis) may be used for the purposes of any disciplinary proceedings against the railway employee, but is not admissible in any proceedings for an offence under this Regulation.

9 Testing of railway employees in specified situations

- (1) An authorised officer or a police officer who has reasonable cause to believe that a railway employee has been involved in an accident or irregular incident while carrying out railway safety work may require the employee:
 - (a) to undergo a breath test in accordance with the directions of the officer, or

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 10

Testing for alcohol or other drugs

Part 3

(b) to provide a sample of the employee's urine for the purpose of testing for the presence of drugs,
or both.

(2) Nothing in this clause limits clause 8.

10 Assessment of sobriety if breath testing device not available

(1) If:

- (a) an authorised officer or a police officer is entitled under this Regulation to require a railway employee to undergo a breath test, and
- (b) the device required to carry out the breath test is not readily available,

the officer may require the employee to submit to an assessment of the employee's sobriety in accordance with the directions of the officer.

(2) A requirement that a railway employee submit to such an assessment is not open to challenge in any proceedings on the basis that the device was readily available.

11 Breath analysis of railway employees following breath testing etc

(1) If:

- (a) it appears to an authorised officer or a police officer as a result of a breath test or assessment under this Regulation that the prescribed concentration of alcohol may be present in a railway employee's blood, or
- (b) a railway employee who is required by an authorised officer or a police officer to undergo a breath test or to submit to an assessment under this Regulation refuses or fails to do so in accordance with the directions of the officer,

the officer may require the employee to submit to a breath analysis in accordance with the directions of the officer.

(2) If an authorised officer or a police officer is entitled to require a railway employee to submit to a breath analysis, the officer may:

- (a) arrest the employee without warrant, and

Clause 12 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 3 Testing for alcohol or other drugs

- (b) take the employee with such force as may be necessary to a police station or such other place as the officer considers desirable and there detain the employee for the purposes of the breath analysis.
- (3) A breath analysis must be carried out by:
 - (a) an authorised officer, or
 - (b) a police officer authorised by the Commissioner of Police to operate breath analysing instruments,at or near a police station or such other place as the officer considers desirable.
- (4) As soon as practicable after a railway employee has submitted to a breath analysis the authorised officer or police officer operating the breath analysing instrument must deliver to the employee a statement in writing signed by the officer specifying:
 - (a) the concentration of alcohol determined by the analysis to be present in the employee's blood and expressed in grammes of alcohol in 100 millilitres of blood, and
 - (b) the day on which and time of the day at which the breath analysis was completed.
- (5) A railway employee who is required to submit to a breath analysis may request the authorised officer or police officer making the requisition to arrange for the taking (in the presence of an authorised officer or a police officer) of a sample of the employee's blood for analysis, at the employee's own expense, by:
 - (a) a medical practitioner nominated by the employee, or
 - (b) a medical practitioner nominated by the officer at the employee's request.
- (6) The making of any such request or the taking of a sample of a railway employee's blood does not absolve the employee from the obligation imposed on the employee to submit to a breath analysis in accordance with this clause.

12 Blood or urine samples taken at hospitals from railway employees involved in accidents in carrying out railway safety work

- (1) If a railway employee attends or is admitted to a hospital for examination or treatment because the employee has been involved in an accident while carrying out railway safety work, an authorised officer or police officer may require the employee to provide as

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 13

Testing for alcohol or other drugs

Part 3

soon as practicable a sample of the employee's blood or urine in accordance with the directions of a medical practitioner who attends the employee at the hospital.

- (2) If there is no medical practitioner present to attend the person at the hospital, the blood or urine sample is to be taken by a registered nurse who is accredited by a hospital as competent to perform the sampling procedures.
- (3) Any such medical practitioner or nurse must take the sample if informed by the authorised officer or police officer that the sample is required to be taken by the practitioner or nurse under this Regulation.
- (4) A requirement under subclause (1) need not be made directly to the railway employee concerned but may be made through a medical practitioner or any such nurse who attends the employee at the hospital.

13 Additional circumstances when blood or urine samples may be taken

- (1) An authorised officer may require a railway employee to provide a sample of the employee's blood or urine if:
 - (a) the officer is entitled under this Regulation to require the employee to submit to a breath analysis, and
 - (b) a breath analysing instrument is not readily available.
- (2) An authorised officer who has a reasonable belief that, by the way in which a railway employee was acting, the employee might be under the influence of a drug, may require the employee to provide a sample of the employee's blood or urine if:
 - (a) the employee has undergone a breath test in accordance with this Regulation, and
 - (b) the result of the test does not permit the employee to be required to submit to a breath analysis, and
 - (c) the officer has required the employee to submit to a sobriety assessment and:
 - (i) the employee refuses to submit to the assessment, or
 - (ii) after the assessment is made, the officer has a reasonable belief that the employee is under the influence of a drug.

Note. Under clause 8, a railway employee may be required at any time to provide urine samples.

Clause 14 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 3 Testing for alcohol or other drugs

- (3) A requirement that a railway employee provide a sample is not open to challenge in any proceedings on the basis that a breath analysing instrument was readily available.

14 Taking of blood or urine samples

- (1) This clause applies if an authorised officer or a police officer is entitled under this Regulation to require a railway employee to provide a sample of the employee's blood or urine.
- (2) The officer may require the railway employee to provide the sample of urine in accordance with the directions of the officer.
- (3) The officer may require the railway employee to provide the sample of blood at a hospital in accordance with the directions of a medical practitioner who attends the employee.
- (4) If there is no medical practitioner present to attend the railway employee at the hospital, the blood sample is to be taken by a registered nurse who is accredited by a hospital as competent to perform the sampling procedures.
- (5) Any such medical practitioner or nurse must take a sample of blood if informed by the authorised officer or police officer that the sample is required to be taken by the practitioner or nurse under this Regulation.
- (6) If an authorised officer or a police officer is entitled under this Regulation to require a railway employee to provide a sample of blood, the officer may:
- (a) arrest the employee without warrant, and
 - (b) take the employee with such force as may be necessary to a hospital and there detain the employee for the purpose of obtaining the sample.

15 Restrictions on requiring breath test, assessment, breath analysis or sample

An authorised officer or a police officer must not require a railway employee to undergo a breath test, submit to an assessment or a breath analysis or provide a sample of blood or urine:

- (a) if the employee has been admitted to a hospital for medical treatment, unless the medical practitioner who attends the employee at the hospital (or, if no medical practitioner is present to attend the person, a registered nurse who is accredited by a hospital as competent to perform the sampling

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 16

Testing for alcohol or other drugs

Part 3

procedures) has been notified of the intention to make the requisition and the medical practitioner or nurse does not object on the ground that compliance would be prejudicial to the proper care or treatment of the employee, or

- (b) if it appears to the officer that it would (because of injuries sustained by the employee) be dangerous to the employee's medical condition if the employee complied with the requisition, or
- (c) at any time after the expiration of 3 hours from the time the employee carried out the railway safety work (or was due to commence the railway safety work) to which the requisition relates, or
- (d) at the employee's home.

16 Action to be taken with respect to blood samples

- (1) A medical practitioner, nurse or other person by whom a sample of a railway employee's blood is taken under this Regulation must:
 - (a) place the sample into a container, and
 - (b) fasten and seal the container, and
 - (c) mark or label the container for future identification, and
 - (d) give to the person from whom the sample is taken a certificate relating to the sample that contains sufficient information to enable the sample to be identified as a sample of that person's blood, and
 - (e) as soon as reasonably practicable after the sample is taken, hand the sample to the authorised officer or police officer who was present at the time the sample was taken.
- (2) The authorised officer or police officer to whom a sample of blood is handed under subclause (1) must:
 - (a) immediately on being handed the sample, place the sample in a security box of a type approved by the Commissioner of Police and lock the box, and
 - (b) as soon as reasonably practicable thereafter, arrange for the sample to be submitted to the laboratory at Lidcombe of the Division of Analytical Laboratories, ICPMR, Western Sydney Area Health Service, for analysis by an analyst to determine the concentration of alcohol (and, where required, of other drugs) in the blood.

Clause 17 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 3 Testing for alcohol or other drugs

- (3) The person from whom the sample was taken may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for a portion of the sample to be sent, for analysis at that person's own expense, to a medical practitioner or laboratory nominated by that person.

17 Action to be taken with respect to urine samples

- (1) A medical practitioner, nurse or other person by whom a sample of a railway employee's urine is taken under this Regulation must:
- (a) divide the sample into 2 approximately equal portions or, if a railway employee indicates that he or she would like to keep part of a sample, 3 approximately equal portions, and
 - (b) place each portion into a container, and
 - (c) fasten and seal each container, and
 - (d) mark or label each container for future identification.
- (2) Of the sealed containers:
- (a) one must be handed by the medical practitioner, nurse or other person to the railway employee from whom the sample was taken or to some other person on behalf of the employee, and
 - (b) one must be handed by the medical practitioner, nurse or other person to the authorised officer or police officer present when the sample was taken, and
 - (c) in a case where the railway employee has indicated that he or she would like to keep a part of the sample, the third container must be given to the employee.
- (3) The authorised officer or police officer to whom a sample of urine is handed under subclause (2) must:
- (a) immediately on being handed the sample, place the sample in a security box of a type approved by the Commissioner of Police and lock the box, and
 - (b) as soon as reasonably practicable thereafter, arrange for the sample to be submitted for analysis by an analyst to determine the concentration of drugs other than alcohol in the urine.

18 Analysis of samples

- (1) If a blood or urine sample was obtained under clause 12, an authorised officer or a police officer may not make arrangements under clause 16 or 17 for the analysis of the sample to determine the

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 19

Testing for alcohol or other drugs

Part 3

concentration in the blood or urine of a drug other than alcohol except in circumstances where the authorised officer or police officer has reasonable grounds to believe that, at the time of the accident concerned, the person from whom the sample was taken was under the influence of a drug other than alcohol and where:

- (a) no police officer or authorised officer attended the scene of the accident that led to the taking of the sample, or
 - (b) although a police officer or officers or one or more authorised officers attended the scene of the accident, there was no reasonable opportunity to require the person from whom the sample was taken to submit to a breath test or, in accordance with clause 13 (2), an assessment of his or her sobriety.
- (2) An analyst to whom a sample of blood or urine is submitted for analysis under clause 16 or 17 may carry out an analysis of the sample, or of a portion of the sample, to determine the concentration of alcohol in the blood or urine or to determine whether the blood or urine contains alcohol or another drug or drugs, as the case requires.
- (3) The analysis of sample of urine must be carried out, and a report provided, in accordance with:
- (a) ASNZ 4308, except as provided by paragraph (b), or
 - (b) such other procedure as may be directed by the Director-General.
- (4) Without limiting subclause (3) (b), the Director-General may, generally or in a particular case or class of cases, direct that the analysis is to be carried out in order to determine whether there is present in a sample a drug specified in Schedule 1 to the *Drug Misuse and Trafficking Act 1985*.

19 Medical practitioners and nurses—protection from liability

No civil or criminal liability is incurred by a medical practitioner or nurse (nor by any person acting under the supervision or direction of the medical practitioner or nurse) in respect of anything properly and necessarily done by the practitioner or nurse in the course of taking a sample of blood or urine from a person if the practitioner or nurse:

- (a) believed on reasonable grounds that the practitioner or nurse was required under this Regulation to take the sample of blood or urine from the person, or

Clause 19 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 3 Testing for alcohol or other drugs

- (b) was informed by an authorised officer or a police officer that the person was a person from whom the practitioner or nurse was required under this Regulation to take the sample of blood or urine.

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 20

Offences relating to testing for alcohol or other drugs

Part 4

Part 4 Offences relating to testing for alcohol or other drugs

20 Refusal to be tested

- (1) Any railway employee who, when required under this Regulation to do so, refuses or fails:
 - (a) to undergo a breath test, or
 - (b) to submit to an assessment,in accordance with this Regulation is guilty of an offence.
Maximum penalty: 10 penalty units.
- (2) Any railway employee who, when required under this Regulation to do so, refuses or fails:
 - (a) to submit to a breath analysis, or
 - (b) to provide a sample of blood or urine,in accordance with this Regulation is guilty of an offence.
Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.
- (3) It is a defence to a prosecution for an offence under this clause if the defendant satisfies the court that the defendant was unable on medical grounds to comply with the requirement concerned.

21 Interfering with results of test

- (1) A railway employee who does anything to introduce, or alter the concentration of, alcohol or any other drug in the employee's blood or urine before submitting to a breath analysis or providing a sample of blood or urine under this Regulation is guilty of an offence if the employee does so for the purpose of preventing or restricting the use of the results of the analysis in any proceedings against the employee.
Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.
- (2) A person who does anything to introduce, or alter the concentration of, alcohol or any other drug in a railway employee's blood or urine before the employee submits to a breath analysis or provides a sample of blood or urine under this Regulation is guilty of an

Clause 22 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 4 Offences relating to testing for alcohol or other drugs

offence if the person does so for the purpose of preventing or restricting the use of the results of the analysis in any proceedings against the employee.

Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.

22 Taking of samples

(1) Any medical practitioner or nurse who, when required under this Regulation to take a sample of blood or urine from a railway employee:

- (a) refuses or fails to take the sample, or
- (b) does not comply with the requirements of clause 16 or 17 with respect to any sample taken,

is guilty of an offence.

Maximum penalty: 10 penalty units.

(2) It is a defence to a prosecution for an offence under subclause (1) if the medical practitioner or nurse satisfies the court that:

- (a) the practitioner or nurse believed on reasonable grounds that the taking of the sample from the railway employee would be prejudicial to the proper care and treatment of the railway employee, or
- (b) the practitioner or nurse was, because of the behaviour of the railway employee, unable to take the sample, or
- (c) there was other reasonable cause for the practitioner or nurse not to take the sample.

(3) Any person who, when taking a sample of urine from a railway employee, does not comply with the requirements of clause 16 or 17 with respect to any sample taken is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) A person who hinders or obstructs a medical practitioner, nurse or other person in attempting to take a sample of the blood or urine of any other person under this Part is guilty of an offence.

Maximum penalty: 20 penalty units.

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 23

Offences relating to testing for alcohol or other drugs

Part 4

23 Interfering or tampering with, or destroying, samples

A person must not interfere or tamper with, or destroy, a sample of a person's blood or urine provided or taken under this Regulation unless the sample is destroyed:

- (a) by or at the direction of an analyst in the course of or on completion of analysis, or
- (b) in the case of a sample handed to a person on behalf of a railway employee, by or at the direction of the person, or
- (c) after the expiration of 12 months commencing on the day on which the sample was taken.

Maximum penalty: 20 penalty units.

Clause 24 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 5 Certificate evidence in proceedings

Part 5 Certificate evidence in proceedings

24 Certificate evidence of concentration of alcohol in blood determined by breath analysis

- (1) In proceedings for an offence under clause 5, evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined by a breath analysing instrument operated by:
 - (a) an authorised officer, or
 - (b) a police officer authorised by the Commissioner of Police to operate breath analysing instruments.
- (2) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the person at the time the person carried out the railway safety work to which the breath analysis relates if the breath analysis was made within 3 hours after that time, unless the defendant proves that the concentration of alcohol in the defendant's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.
- (3) In proceedings for an offence under clause 5, a certificate purporting to be signed by an authorised officer or a police officer and certifying that:
 - (a) the officer is a duly appointed authorised officer or (as the case requires) the police officer is authorised by the Commissioner of Police to operate breath analysing instruments, and
 - (b) the person named in the certificate submitted to a breath analysis, and
 - (c) the apparatus used by the officer to make the breath analysis was a breath analysing instrument within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, and
 - (d) the analysis was made on the day and completed at the time stated in the certificate, and
 - (e) a concentration of alcohol (determined by that breath analysing instrument and expressed in grammes of alcohol in 100 millilitres of blood) was present in the blood of that person on the day and at the time stated in the certificate, and

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 25

Certificate evidence in proceedings

Part 5

(f) a statement in writing required by clause 11 (4) was delivered in accordance with that subclause,

is prima facie evidence of the particulars certified in and by the certificate.

- (4) In proceedings for an offence under clause 5, a certificate purporting to be signed by the Commissioner of Police that the police officer named in the certificate is authorised by the Commissioner of Police to operate breath analysing instruments is prima facie evidence of the particulars certified in and by the certificate.
- (5) In any proceedings for an offence under clause 5, evidence of the condition of a breath analysing instrument or the manner in which it was operated is not to be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

25 Certificate evidence of concentration of alcohol in blood determined by analysis of sample of blood

- (1) In proceedings for an offence under clause 5, evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined by an analysis under this Regulation of a sample of the person's blood.
- (2) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the person charged at the time the person carried out the railway safety work to which the analysed sample of blood relates, if that sample of blood was taken within 3 hours after that time, unless the defendant proves that the concentration of alcohol in the defendant's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of the blood.
- (3) In proceedings for an offence under clause 5, a certificate purporting to be signed by a medical practitioner or nurse and certifying any one or more of the following matters:
- (a) that the practitioner or nurse was a medical practitioner or nurse who attended a specified person at a hospital,
 - (b) that the practitioner or nurse took a sample of the person's blood in accordance with this Regulation on the day and at the time stated in the certificate,
 - (c) that the practitioner or nurse dealt with the sample in accordance with clause 16 or 17,

Clause 25 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 5 Certificate evidence in proceedings

- (d) that the practitioner or nurse used equipment of a specified description in so taking and dealing with the sample,
- (e) that the container was sealed, and marked or labelled, in a specified manner,

is prima facie evidence of the particulars certified in and by the certificate.

- (4) In proceedings for an offence under clause 5, a certificate purporting to be signed by an authorised officer or a police officer and certifying any one or more of the following matters:

- (a) that the officer received a sample of a specified person's blood taken in accordance with this Regulation,
- (b) that the officer arranged for the sample to be submitted for analysis by an analyst to determine the concentration of alcohol in the blood,
- (c) that the container was sealed, and marked or labelled, in a specified manner,

is prima facie evidence of the particulars certified in and by the certificate.

- (5) In proceedings for an offence under clause 5, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:

- (a) that the analyst received, on a specified day, a sample of a specified person's blood in a container submitted for analysis under this Regulation,
- (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
- (c) that, on receipt by the analyst of the container, the seal was unbroken,
- (d) that the analyst carried out an analysis of the sample to determine the concentration of alcohol in the sample,
- (e) that the concentration of alcohol determined pursuant to the analysis and expressed in grammes of alcohol in 100 millilitres of blood was present in that sample,
- (f) that the analyst was, at the time of the analysis, an analyst within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*,

is prima facie evidence of the matters set out in subclause (6).

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 26

Certificate evidence in proceedings

Part 5

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- (6) A certificate under subclause (5) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
 - (b) that the sample was a sample of the blood of that specified person, and
 - (c) that the sample had not been tampered with before it was received by the analyst.

26 Certificate evidence of presence of drugs

- (1) In proceedings for an offence under clause 6:
- (a) evidence may be given of:
 - (i) the presence of a drug, or
 - (ii) the presence of a particular concentration of a drug, in the blood or urine of the person charged, as determined pursuant to an analysis under this Regulation of a sample of the person's blood or urine, and
 - (b) the drug the presence of which is so determined or the particular concentration of the drug the presence of which is so determined, as the case may be, is taken to have been present in the blood or urine of that person at the time the person carried out the railway safety work to which the analysed sample relates,

if the sample was taken within 3 hours after that time, unless the defendant proves the absence of the drug, or the presence of the drug in a different concentration, at that time.

- (2) In proceedings for an offence under clause 6, a certificate purporting to be signed by a medical practitioner or nurse and certifying any one or more of the following matters:
- (a) that the practitioner or nurse was a medical practitioner or nurse who attended a specified person at a hospital,
 - (b) that the practitioner or nurse took a sample of the person's blood or urine in accordance with this Regulation on the day and at the time stated in the certificate,
 - (c) that the practitioner or nurse dealt with the sample in accordance with clause 16 or 17,

is prima facie evidence of the particulars certified in and by the certificate.

Clause 26 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 5 Certificate evidence in proceedings

- (3) In proceedings for an offence under clause 6, a certificate purporting to be signed by a person and certifying any one or more of the following matters:
- (a) that the person took a sample of a person's urine in accordance with this Regulation on the day and at the time stated in the certificate,
 - (b) that the person dealt with the sample in accordance with clause 16 or 17,
- is prima facie evidence of the particulars certified in and by the certificate.
- (4) In proceedings for an offence under clause 6, a certificate purporting to be signed by an authorised officer or a police officer and certifying any one or more of the following matters:
- (a) that the officer received a sample of a specified person's blood or urine taken in accordance with this Regulation,
 - (b) that the officer arranged for the sample to be submitted for analysis by an analyst to determine whether any drug was present in the sample,
 - (c) that the container was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (5) In proceedings for an offence under clause 6, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:
- (a) that the analyst received, on a specified day, a sample of a specified person's blood or urine in a container submitted for analysis under this Regulation,
 - (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
 - (c) that, on receipt by the analyst of the container, the seal was unbroken,
 - (d) that the analyst carried out an analysis of the sample to determine whether any drug was present in the sample,
 - (e) that a specified drug ascertained pursuant to the analysis was present in that sample and, if so certified, was present in that sample in a specified concentration,

Rail Safety (Drug and Alcohol Testing) Regulation 2003

Clause 27

Certificate evidence in proceedings

Part 5

(f) that the analyst was, at the time of the analysis, an analyst within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*,

is prima facie evidence of the matters set out in subclause (6).

- (6) A certificate under subclause (5) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
 - (b) that the sample was a sample of the blood or urine of that specified person, and
 - (c) that the sample had not been tampered with before it was received by the analyst.
- (7) Nothing in this clause enables evidence to be given of or in relation to:
- (a) the presence of a drug other than alcohol, or
 - (b) the presence of a particular concentration of a drug other than alcohol,

in the blood or urine of a person charged with an offence under clause 6, as determined by an analysis of a sample obtained under clause 12, unless the court is satisfied that the analysis was not arranged in contravention of clause 18 (1).

27 Certificate evidence of appointment of authorised officer

In proceedings for an offence under this Regulation, a certificate purporting to be signed by the Director-General and certifying that the officer named in the certificate is an authorised officer is prima facie evidence of the particulars certified in and by the certificate.

Clause 28 Rail Safety (Drug and Alcohol Testing) Regulation 2003

Part 6 Miscellaneous

Part 6 Miscellaneous

28 Effect of positive test

- (1) If a railway employee tests positive to the presence of:
 - (a) more than 0.02 grammes of alcohol in 100 millilitres of the employee's blood, or
 - (b) a drug other than alcohol,the operator of the railway on whose behalf the railway employee is carrying out railway safety work is to have regard to the results of the test in determining whether the employee is a fit and proper person to be issued with a certificate of competency under section 36 of the Act.
- (2) If a certificate of competency has been issued by a person other than the operator referred to in subclause (1), the issuer is to have regard to the results of the test in determining whether the railway employee is a fit and proper person to be issued with a certificate of competency under section 36 of the Act.
- (3) The operator or issuer is to make a determination under this clause on the basis of any guidelines issued for the purposes of section 36 or 42 of the Act.



New South Wales

State Authorities Superannuation Amendment (Firefighters) 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

The *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003* makes provision for the payment of death or incapacity benefits to or in respect of a firefighter to which it applies. The award makes provision for the payment of benefits to be offset by the amount of any employer-financed benefit payable to or in respect of the firefighter under the *State Authorities Superannuation Act 1987* and by the amount of the benefit payable under the *State Authorities Non-contributory Superannuation Act 1987*. It also makes provision for the relinquishment of coverage for the additional benefit of certain contributors.

The objects of this Regulation are:

- (a) to allow SAS Trustee Corporation to provide to New South Wales Fire Brigades or the trustees of the Death and Disability Superannuation Fund information that it obtains about an employee in the administration of the *State Authorities Superannuation Act 1987* (but only with the consent of the employee and for the purposes of complying with or giving effect to the award), and
- (b) to provide for the relinquishment of coverage for the additional benefit of certain permanent firefighters, and
- (c) to allow SAS Trustee Corporation to transfer from the State Authorities Superannuation Fund to the Death and Disability Superannuation Fund the amount of the relevant offset.

State Authorities Superannuation Amendment (Firefighters) Regulation 2003

Explanatory note

This Regulation is made under the *State Authorities Superannuation Act 1987* (as amended by the *Superannuation Legislation Further Amendment Act 2002*), including section 46AF (definition of ***firefighters award***), section 46AH and section 55 (the general regulation-making power).

State Authorities Superannuation Amendment (Firefighters)
Regulation 2003

Clause 1

State Authorities Superannuation Amendment (Firefighters) Regulation 2003

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

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

2 Amendment of State Authorities Superannuation Regulation 2000

The *State Authorities Superannuation Regulation 2000* is amended as set out in Schedule 1.

State Authorities Superannuation Amendment (Firefighters)
Regulation 2003

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Part 3A

Insert after Part 3:

Part 3A Firefighters award

16 Meaning of “permanent firefighter” and “retained firefighter”

In this Part:

2003 firefighters award means the *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003*.

permanent firefighter has the same meaning as in the 2003 firefighters award.

retained firefighter has the same meaning as in the 2003 firefighters award.

17 Prescription of firefighters award

For the purposes of the definition of *firefighters award* in section 46AF of the Act, the 2003 firefighters award is prescribed.

18 Provision of information

For the purposes of complying with or giving effect to the 2003 firefighters award, and only with the consent of the relevant employee, STC may provide to New South Wales Fire Brigades or the trustees of the Death and Disability Superannuation Fund under the 2003 firefighters award information about the employee obtained in the administration of the Act.

19 Existing firefighters may no longer apply for cover for additional benefit

- (1) This clause applies to an employee who was a permanent firefighter on 27 June 2003 and who had not, before that date, had an application for additional benefit cover approved under section 22 of the Act.

State Authorities Superannuation Amendment (Firefighters)
Regulation 2003

Amendments

Schedule 1

-
- (2) Despite section 20 of the Act, a person to whom this clause applies is not entitled to be covered for the additional benefit while employed as a permanent firefighter.

20 Existing or new firefighters who elect to relinquish cover for additional benefit

- (1) This clause applies to a person who:
- (a) was a permanent firefighter on 27 June 2003 and elected to relinquish cover for the additional benefit on or before 26 June 2003, or
 - (b) commences employment as a permanent firefighter after 26 June 2003 and who elects to relinquish cover for the additional benefit within the period approved by NSW Fire Brigades for the purposes of this clause.
- (2) Despite section 22 of the Act, if this clause applies:
- (a) the firefighter ceases to be liable to pay the additional benefit levy in relation to any subsequent period during which the firefighter is not covered, and
 - (b) STC must effect the cessation of the additional benefit cover of the person on and from:
 - (i) 27 June 2003—in relation to a person referred to in subclause (1) (a), or
 - (ii) the date advised to STC by NSW Fire Brigades—in relation to a person referred to in subclause (1) (b), and
 - (c) the firefighter is not entitled to be covered for the additional benefit while employed as a permanent firefighter.

21 New firefighter employees covered for additional benefit

- (1) This clause applies to an employee who was not a permanent firefighter immediately before 27 June 2003 and who had not had an application for additional benefit cover approved under section 22 of the Act at the time of commencing employment as a permanent firefighter.
- (2) Despite section 20 of the Act, a person to whom this clause applies is not entitled to elect to be covered for the additional benefit while employed as a permanent firefighter.

State Authorities Superannuation Amendment (Firefighters)
Regulation 2003

Schedule 1 Amendments

**22 Transfer of amount to Death and Disability Superannuation
Fund**

STC must, for the purposes of complying with or giving effect to the 2003 firefighters award, transfer to the Death and Disability Superannuation Fund an amount required as an offset under the 2003 firefighters award but only with the consent of the firefighter concerned.

[2] Clause 16 Savings provision

Renumber as clause 23.



New South Wales

State Authorities Non-contributory Superannuation Amendment (Firefighters) Regulation 2003

under the

State Authorities Non-contributory Superannuation Act 1987

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

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

Explanatory note

The *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003* makes provision for the payment of death or incapacity benefits to or in respect of a firefighter to which it applies. The award makes provision for the payment of benefits to be offset by the amount of any compulsory employer contributions made by NSW Fire Brigades in respect of the firefighter.

The object of this Regulation is to allow SAS Trustee Corporation to provide to NSW Fire Brigades or the trustees of the Death and Disability Superannuation Fund information that it obtains in the administration of the *State Authorities Non-contributory Superannuation Act 1987*. Such information can only be provided with the consent of the relevant employee and only for the purposes of complying with or giving effect to the award.

This Regulation also allows SAS Trustee Corporation to transfer to the Death and Disability Superannuation Fund the amount of the relevant offset.

This Regulation is made under the *State Authorities Non-contributory Superannuation Act 1987* (as amended by the *Superannuation Legislation Further Amendment Act 2002*), including section 27AE (definition of **firefighters award**), section 27AG and section 34 (the general regulation-making power).

Clause 1 State Authorities Non-contributory Superannuation Amendment
 (Firefighters) Regulation 2003

State Authorities Non-contributory Superannuation Amendment (Firefighters) Regulation 2003

under the

State Authorities Non-contributory Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Non-contributory Superannuation Amendment (Firefighters) Regulation 2003*.

2 Amendment of State Authorities Non-contributory Superannuation Regulation 2000

The *State Authorities Non-contributory Superannuation Regulation 2000* is amended as set out in Schedule 1.

State Authorities Non-contributory Superannuation Amendment
(Firefighters) Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 9D

Insert before clause 10 (in Part 4):

9D Death or incapacity benefits for firefighters

- (1) In this clause:
2003 firefighters award means the *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003*.
- (2) For the purposes of the definition of *firefighters award* in section 27AE of the Act, the 2003 firefighters award is prescribed.
- (3) For the purposes of complying with or giving effect to the 2003 firefighters award, and only with the consent of the relevant employee, STC may provide to New South Wales Fire Brigades or the trustees of the Death and Disability Superannuation Fund under the 2003 firefighters award information obtained about the employee in the administration of the Act.
- (4) STC must, for the purposes of complying with or giving effect to the 2003 firefighters award, transfer to the Death and Disability Superannuation Fund the amount required as an offset under the 2003 firefighters award.
- (5) However, that amount must not be transferred unless the firefighter concerned has consented to the transfer.



New South Wales

Water Traffic Amendment Regulation 2003

under the

Maritime Services Act 1935

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

The object of this Regulation is to amend the *Water Traffic Regulations—N.S.W.* by way of law revision so as to remove a provision that has been superseded by a more recent provision.

This Regulation is made under the *Maritime Services Act 1935*, including sections 30D and 38 (the general regulation-making power).

Clause 1 Water Traffic Amendment Regulation 2003

Water Traffic Amendment Regulation 2003

under the

Maritime Services Act 1935

1 Name of Regulation

This Regulation is the *Water Traffic Amendment Regulation 2003*.

2 Amendment of Water Traffic Regulations—N.S.W.

The *Water Traffic Regulations—N.S.W.* are amended by omitting the following matter from Schedule 2:

5

200

OFFICIAL NOTICES

Appointments

The Cabinet Office, Sydney
30 July 2003

CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the
Minister for Roads, and Minister for Housing

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable DA Campbell MP, Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, to act for and on behalf of the Minister for Roads, and Minister for Housing, as on and from 11 August 2003, with a view to him performing the duties of the Honourable PC Scully MP, during his absence from duty.

BOB CARR,
Premier

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Candace Douglass as a member of the Products Safety Committee for a term commencing on the date hereof and expiring on 1 August 2006.

Dated this 15th day of July 2003.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint John Furbank as a member of the Products Safety Committee for a term commencing on the date hereof and expiring on 1 August 2006.

Dated this 15th day of July 2003.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Antonio Bonacruz as a member of the Products Safety Committee for a term commencing on the date hereof and expiring on 1 August 2006.

Dated this 15th day of July 2003.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Michael Chan-Sew as a member of the Products Safety Committee for a term commencing on the date hereof and expiring on 1 August 2006.

Dated this 15th day of July 2003.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FIRE SERVICES JOINT STANDING COMMITTEE ACT 1998

Appointment of Members

Fire Services Joint Standing Committee

I, TONY KELLY, MLC, Minister for Emergency Services, in pursuance of section 4 (2) of the Fire Services Joint Standing Committee Act 1998, appoint the following persons as Members of the Fire Services Joint Standing Committee:

Philip Christian Koperberg, AO, AFSM, BEM
Gregory Philip Mullins, AFSM
Murray Kear
Stuart Midgley, AFSM
Donald Luscombe
Christopher Scott Read

for the three-year period expiring on 5 July 2006.

TONY KELLY, M.L.C.,
Minister for Emergency Services

RURAL FIRES ACT 1997

Appointment of Members

Bush Fire Coordinating Committee

I, TONY KELLY, MLC, Minister for Emergency Services, in pursuance of section 47 (1) of the Rural Fires Act 1997, appoint the following persons as Members of the Bush Fire Coordinating Committee:

Philip Christian Koperberg, AO, AFSM, BEM
Gregory Philip Mullins, AFSM, MMgt (MGSM), FIFireE, FAIM
Paul James de Mar
Robert James Conroy
Kenneth Roy Gallen
Ross Henry Panton, OAM
Peter Kinkead, AFSM
Joseph Wayne Laycock
Anne Elizabeth Reeves, OAM
Robert Barri Pallin
Alan James Brown
Peter John Olney, PSM
Axel William Tennie

for the five-year period expiring on 1 March 2008.

TONY KELLY, M.L.C.,
Minister for Emergency Services

NSW Agriculture

McGARVIE SMITH INSTITUTE INCORPORATION ACT 1928

McGARVIE SMITH INSTITUTE

NOTICE OF APPOINTMENT OF NEW TRUSTEE

NOTICE is hereby given, in accordance with section 7(5)(b) of the McGarvie Smith Institute Incorporation Act 1928, at its meeting on 2 June 2003, trustees appointed The Honourable Justice William Henric NICHOLAS as a trustee of the McGarvie Smith Institute, vice Henry Percival ANDERSON who retired as a Trustee on 2 June 2003.

STOCK MEDICINES ACT 1989

ORDER No 2003/1 – GUDAIR VACCINE

Order under Section 46

I, RICHARD FREDERICK SHELDRAKE, Director-General of the Department of Agriculture, revoke Order No 2002/1 - Gudair Vaccine published in the Government Gazette No. 85 of 10 May 2003 at pages 2789-2790, and make this Order pursuant to section 46 of the *Stock Medicines Act 1989* with respect to *Gudair Vaccine*.

I hereby regulate the supply for use, purchase for use, and use, of Gudair Vaccine, and prescribe:

- 1 the requirements to be met for the supply for use of Gudair Vaccine, including records of supply—as specified in clause 1 of the Schedule;
- 2 the requirements to be met for issuing and obtaining an authority to purchase for use and to use Gudair Vaccine—as specified in clause 2 of the Schedule;
- 3 the requirements to be met for the purchase for use of Gudair Vaccine, including records of purchase—as specified in clause 3 of the Schedule;
- 4 the manner in which persons must vaccinate sheep with Gudair Vaccine, and restrictions on the treatment of other species of stock—as specified in clause 4 of the Schedule;
- 5 the manner in which persons who vaccinate stock with Gudair Vaccine must identify the vaccinated stock—as specified in clause 5 of the Schedule;
- 6 the records which must be kept in relation to stock vaccinated with Gudair Vaccine—as specified in clause 6 of the Schedule;
- 7 the documentation that must accompany vaccinated stock when moving from the place of vaccination to any other place—as specified in clause 7 of the Schedule;
- 8 the restrictions on the manner in which persons who use Gudair Vaccine for vaccination of stock may dispose of the vaccine—as specified in clause 8 of the Schedule.

Definitions

In this Order:

“**Animal Health Statement**” means a copy of a statement made by the person in charge of the stock, in the form published in the Department of Agriculture’s Ovine Johne’s Disease Policy and Procedures.

“**authority**” means an authority to purchase for use and to use Gudair[®] Vaccine, issued by the Director-General of the

NSW Department of Agriculture or his or her delegate, to allow purchase for use and use of Gudair Vaccine for the purpose of vaccinating the stock kept on the property specified in the authority.

“**Director-General**” means the Director-General of the NSW Department of Agriculture or his or her delegate.

“**Gudair Vaccine**” means the stock medicine registered by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, and containing inactivated *Mycobacterium paratuberculosis* micro-organisms:

NRA Code	Brand	Full Product Name
53839	CSL Limited	Gudair [®] Vaccine

“**identify**” includes cause or permit to be identified.

“**move**” includes cause or permit to be moved.

“**property identification code (PIC)**” means the property identification code allotted to the property under Part 3 of the Stock Diseases (General) Regulation 1997.

“**vaccinate**” includes cause or permit to be vaccinated.

“**veterinary surgeon**” means a registered veterinary surgeon as defined in the *Veterinary Surgeons Act 1986*.

“**Note**” A Note does not form part of this Order.

SCHEDULE

- 1 **Requirements to be met for the supply for use of Gudair Vaccine, including records of supply**
 - A. A person, including a veterinary surgeon, must not supply to another person Gudair Vaccine for use unless that other person holds an authority and presents it to the person supplying the Gudair Vaccine.
 - B. A person who supplies Gudair Vaccine for use must make a record in writing showing the Authority Number shown on the authority, the date of supply and the number of doses supplied, and must retain that record for 5 years from the date of supply.
- 2 **Requirements to be met for issuing and obtaining an authority to purchase for use and to use Gudair Vaccine**
 - A. An application for an authority to purchase and use Gudair Vaccine shall be made on a form approved by the Director-General.
 - B. The Director-General may issue an authority with or without conditions.
 - C. An authority remains in effect unless and until cancelled in writing by the Director-General, such cancellation being addressed to the holder of the authority at the address shown in the authority.
 - D. Where an authority has been cancelled by the Director-General the person to whom the authority was issued must return the authority to the Director-General within 14 days of the cancellation.
 - E. The holder of an authority must notify the Director-General if any of the information provided in the application for an authority, including the property identification code (PIC), stock details or name of the person in charge of the stock, changes.

3 Requirements to be met for the purchase for use of Gudair Vaccine, including records of purchase

- A. A person, including a veterinary surgeon, must not purchase Gudair Vaccine unless the person holds an authority for the purchase of the vaccine for vaccination of the stock specified in the authority, being stock kept on the property specified in the authority.
- B. A person who purchases Gudair Vaccine must make a legible record showing the name and address of the person from whom the vaccine was purchased, the number of doses purchased and the date of the purchase, and must retain that record for 5 years from the last date of vaccination of stock with the vaccine.

4 The manner in which persons must vaccinate sheep with Gudair Vaccine, and restrictions on the treatment of other species of stock

- A. A person, including a veterinary surgeon, must not vaccinate stock with Gudair Vaccine unless the stock are stock kept on the property specified in the authority.
- B. A person, including a veterinary surgeon, must not vaccinate with Gudair Vaccine any stock other than sheep except with the written approval of the Director-General.
- C. A person, including a veterinary surgeon, must use Gudair Vaccine in compliance with:
 - (i) the directions for use on the registered label of the product, except that authorised stock less than 1 month of age may be vaccinated at marking time, and
 - (ii) the requirements of this Order, unless the use is in compliance with the written approval of the Director-General.

Note: In situations of high disease challenge, such as on known infected properties, it is recommended that lambs be vaccinated when they are between 4 and 8 weeks of age.

5 The manner in which persons who vaccinate stock with Gudair Vaccine must identify the vaccinated stock including identification for the purpose of movement from the property

- A. A person who vaccinates stock with Gudair Vaccine must identify the vaccinated stock at the time the stock are vaccinated, by an ear tag which bears a 'V' symbol and which also shows the property identification code (PIC) allotted to the property under Part 3 of the Stock Diseases (General) Regulation 1997.
- B. As an alternative to clause 5A, until 30 June 2004, a person who vaccinates stock with Gudair Vaccine may identify the vaccinated stock at the time the stock are vaccinated, by a three hole ear punch mark in the left ear of a female sheep or goat, and the right ear of a male sheep or goat, each hole being an equal distance from the other and located wholly within the ear.

- C. A person who moves vaccinated stock identified in accordance with clause 5B from the property on which the stock were vaccinated must attach or cause to be attached to the stock an ear tag showing the property identification code (PIC) allotted to the property under Part 3 of the Stock Diseases (General) Regulation 1997. A tag used under this sub-part may bear a 'V' symbol but is not required to do so.

Note: Ear tags complying with the requirements of the National Flock Identification Scheme (NFIS) are recommended. The NFIS requires breeder tags for lambs to be coloured as follows: 2000/Black, 2001/White, 2002/Orange, 2003/Light Green, 2004/Purple, 2005/Yellow and 2006/Red. If as an alternative post-breeder tags are used for movement identification the NFIS requires them to be Pink.

6 Records which must be kept in relation to stock vaccinated with Gudair Vaccine

A person who holds an authority must make, and keep for a period of 5 years from the date of vaccination, the following records, in a legible form in writing, in relation to stock vaccinated with Gudair Vaccine under that authority:

- a description of the stock, including the age, sex, breed and species of the vaccinated stock;
- the date of vaccination, and the age and number of stock of each description vaccinated.

7 Records which must be kept in relation to the movement of stock vaccinated with Gudair Vaccine from the property specified in the authority

A person who holds an authority must make, and keep for a period of 5 years from the date of stock movement, the following records, in a legible form in writing, in relation to vaccinated stock which are moved from the property specified in the authority to any other place:

- a description of the stock including the age, sex, breed and species of the vaccinated stock, and the age at which the stock were vaccinated;
- the date of movement of vaccinated stock;
- the number of vaccinated stock of each description;
- the property address or the location of any place to which the vaccinated stock are moved.

8 Documentation that must accompany vaccinated stock when moving from the place of vaccination to any other place

A person who moves stock vaccinated with Gudair Vaccine from the property on which they were vaccinated must deliver to any buyer or prospective buyer or buyer's agent, and to the person who moves the stock, a completed Animal Health Statement, or other form of statement as approved by the Director-General, stating that the stock referred to in the Statement have been vaccinated with Gudair Vaccine.

Note: The *Stock Medicines Act 1989* permits an Inspector to require the production of any record the keeping of which is required by the Act or an order in force under the Act—section 50(1)(b1).

9 Restrictions on the manner in which persons who use Gudair Vaccine for vaccination of stock may dispose of the vaccine

A person authorised to purchase for use and to use Gudair Vaccine must not:

- dispose of unused Gudair Vaccine except in compliance with the requirements of the label, or
- on-supply any Gudair Vaccine to any other person.

Signed this 17th day of June 2003.

R. F. SHELDRAKE,
Director-General

NSW Fisheries

F03/3589

FISHERIES MANAGEMENT ACT 1994

Notification Under Section 8 - Fishing Closure

Licence Splitting

I, Steve Dunn, prohibit the taking of fish by all commercial fishing methods in NSW waters other than by a commercial fisher operating in accordance with entitlements associated with a NSW fishing business.

It is a condition of this notification that each NSW fishing business shall retain all fishing boat licences, catch history, shares, endorsements and other entitlements associated with the business (issued by any fisheries jurisdiction, being a State, Territory or the Commonwealth), except in accordance with:

1. the provisions of a regulation, management plan or approved Government policy; or
2. where the Director, NSW Fisheries is satisfied that the separation of entitlements is consistent with the provisions of relevant approved fishery management strategies; or
3. an approval of the Minister for Fisheries or the Director, NSW Fisheries granted in writing to the fishing business owner.

This notification is effective from 8 August 2003 to 7 August 2008, inclusive.

STEVE DUNN,
Director, NSW Fisheries

Note: The intention of this closure is to prevent increases in fishing pressure (potential and otherwise) associated with fishing businesses whose entitlements are split. This notification is consistent with the National Licence Splitting Policy (1987) and the NSW policy on licence splitting (1996).

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



Ballina Local Environmental Plan 1987 (Amendment No 66)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Infrastructure and Planning, Minister for Natural Resources, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G99/00153/PC)

CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 66)

Ballina Local Environmental Plan 1987 (Amendment No 66)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 66)*.

2 Aims of plan

This plan aims:

- (a) to provide environmental planning controls that will result in the management of any disturbance to acid sulfate soils in the Ballina local government area so as to minimise impacts on natural waterbodies and wetlands and on agricultural, fishing, aquaculture, urban and infrastructure activities, and
- (b) to require development consent for works, including some agricultural-related works, that would disturb soils or groundwater levels in localities identified as having acid sulfate soils, and
- (c) to require special assessment of certain development on land identified as being subject to risks associated with the disturbance of acid sulfate soils, and
- (d) to provide for a regime of self regulation by those organisations which have demonstrated to Ballina Shire Council their ability to manage acid sulfate soils.

3 Land to which plan applies

This plan applies to land within the Ballina local government area classified as class 1, 2, 3, 4 or 5 on the map marked “Ballina Local Environmental Plan 1987 (Amendment No 66)—Acid Sulfate Soils Planning Maps” deposited in the office of Ballina Shire Council.

Ballina Local Environmental Plan 1987 (Amendment No 66)

Clause 4

4 Amendment of other environmental planning instruments

This plan amends:

- (a) *Ballina Local Environmental Plan 1987* as set out in Schedule 1, and
- (b) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* as set out in Schedule 2.

Ballina Local Environmental Plan 1987 (Amendment No 66)

Schedule 1 Amendment of Ballina Local Environmental Plan 1987

Schedule 1 Amendment of Ballina Local Environmental Plan 1987

(Clause 4 (a))

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

Acid Sulfate Soil Manual means the *Acid Sulfate Soil Manual* published from time to time by the NSW Acid Sulfate Soil Management Advisory Committee and adopted by the Director-General of the Department of Infrastructure, Planning and Natural Resources.

acid sulfate soils means actual or potential acid sulfate soils.

Acid Sulfate Soils Planning Maps means the series of maps marked “Ballina Local Environmental Plan 1987 (Amendment No 66)—Acid Sulfate Soils Planning Maps” kept in the office of the council.

actual acid sulfate soils means soils containing highly acidic soil horizons or layers resulting from the oxidation of soil materials that are rich in iron sulfides, primarily pyrite. This oxidation produces acidity in excess of the sediment’s capacity to neutralise the acidity resulting in soils of pH 4 or less.

potential acid sulfate soils means soils that contain iron sulfides or sulfidic material which have not been exposed to air and oxidised. The field pH of these soils in their unoxidised state is pH 4 or more and may be neutral or slightly alkaline.

[2] Clause 36

Insert after clause 35:

36 Development on land identified on Acid Sulfate Soils Planning Maps

(1) Consent usually required

A person must not, without the consent of the council, carry out works on land identified as being class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soils Planning Maps, being the works specified for the class of land in the following table:

Ballina Local Environmental Plan 1987 (Amendment No 66)

Amendment of Ballina Local Environmental Plan 1987

Schedule 1

Class of land Specified works

1	Any works.
2	Works below the ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface.
5	Works within 500 metres of class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD in adjacent class 1, 2, 3 or 4 land.

(2) For the purposes of the table to subclause (1), **works** includes the following:

- (a) any disturbance of more than one tonne of soil (such as occurs in the carrying out of agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works),
- (b) any other works that are likely to lower the watertable, such as drainage works, ground water bores, wells, ground dewatering, or the like, which may lower the groundwater level in the general area.

(3) **Exception following preliminary assessment**

This clause does not require consent for the carrying out of works described in the table to subclause (1) if the land is above 10m Australian Height Datum (AHD) or if:

Ballina Local Environmental Plan 1987 (Amendment No 66)

Schedule 1 Amendment of Ballina Local Environmental Plan 1987

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soil Manual* has been given to the council, and
- (b) the council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soil Manual*.

(4) **Considerations for consent authority**

The council must not grant a consent required by this clause unless it has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soil Manual*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Land and Water Conservation within 21 days of the council having sent that Department a copy of the development application and of the related acid sulfate soils management plan.

(5) **Public authorities and private drainage boards not excepted**

This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:

- (a) clause 35 and items 2 and 11 of Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
- (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

(6) **Special provisions for council and county councils**

Despite subclause (5), the following types of development may be carried out by the council or a county council without consent of the council:

- (a) development consisting of emergency work,

Ballina Local Environmental Plan 1987 (Amendment No 66)

Amendment of Ballina Local Environmental Plan 1987

Schedule 1

-
- (b) development consisting of routine maintenance,
- (c) development consisting of minor work,
- including development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies.
- (7) If the council or a county council carries out development described in subclause (6) and encounters, or is reasonably likely to encounter, acid sulfate soils, the council or county council is to properly deal with those soils in accordance with the *Acid Sulfate Soil Manual* so as to minimise the actual or potential impact to the environment arising from the disturbance of the soils.
- (8) **Exception for sugar cane land**
- In the case of land used for the cultivation of sugar cane, this clause does not require consent for the carrying out of works if:
- (a) an existing production area entitlement with the NSW Sugar Milling Cooperative Ltd applies to the land at the time of carrying out the works, and
- (b) the works are carried out in accordance with a drainage management plan lodged with and endorsed by the NSW Sugar Milling Cooperative Ltd, and
- (c) the drainage management plan has been prepared in accordance with the *NSW Sugar Industry Best Practice Guidelines for Acid Sulfate Soils* (dated May 2000), or any subsequent revised version, a copy of which is available at the office of the council, and
- (d) the *NSW Sugar Industry Best Practice Guidelines for Acid Sulfate Soils* (dated May 2000), or any subsequent revised version, has been approved by the Director-General of the Department of Urban and Transport Planning in consultation with the NSW Acid Sulfate Soil Management Advisory Committee and the Department of Agriculture and has been adopted by the council, and
- (e) the works are not carried out on any land zoned 7 (a)—Environmental Protection (Wetlands) Zone, 7 (f)—Environmental Protection (Coastal Lands) Zone or

Ballina Local Environmental Plan 1987 (Amendment No 66)

Schedule 1 Amendment of Ballina Local Environmental Plan 1987

-
- 7 (1)—Environmental Protection (Habitat) Zone, unless it can be demonstrated that the land was used for cultivation before the appointed day, and
- (f) the council has not issued any notice to the person carrying out or using the works requiring that the works or use cease or that development consent be obtained prior to the carrying out or further use of the works.
- (9) An annual review of drainage management plans and works to which subclause (8) relates is to be carried out by NSW Sugar Milling Cooperative Ltd to a standard satisfactory to the council and the Cooperative is to provide the council with a copy of the results of the review immediately after it has been carried out. The council may issue a notice under subclause (8) (f) relating to any one or more of those works if either of those requirements is not complied with.
- (10) For the purposes of this clause, a reference to works of the council or county council is a reference to works that are owned or controlled by the council or a county council.
- (11) In this clause:
- county council** has the meaning given by the *Local Government Act 1993*.
- drain** means a depression, ditch or channel deeper than 300mm that is not naturally occurring and is used to convey water from one area to another.
- emergency work** means the repair or replacement of any part of the works of the council or county council because:
- (a) it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, and
- (b) it has ceased to function adequately,
- and includes work reasonably necessary to prevent or limit any further damage or malfunction.
- flood mitigation works** means structural measures intended to reduce flood damage by either reducing flood levels or the lateral extent of flooding and includes any of the following:
- (a) levees,
- (b) flood mitigation drains,

Ballina Local Environmental Plan 1987 (Amendment No 66)

Amendment of Ballina Local Environmental Plan 1987

Schedule 1

-
- (c) retarding or detention basins,
 - (d) by-pass floodways,
 - (e) flood gates on drains,
 - (f) channel improvement.

minor work means new work carried out by the council or a county council, not being drainage work, which has a value of less than \$20,000.

routine maintenance means the periodic inspection, cleaning, repair and replacement of the works of the council or a county council, but does not include work that would result in an increase in the design capacity of any part of those works or result in an increase in the capacity of existing works.

Ballina Local Environmental Plan 1987 (Amendment No 66)

Schedule 2 Amendment of State Environmental Planning Policy No 4—Development
Without Consent and Miscellaneous Exempt and Complying Development

**Schedule 2 Amendment of State Environmental
Planning Policy No 4—Development
Without Consent and Miscellaneous
Exempt and Complying Development**

(Clause 4 (b))

**Schedule 1 Ancillary or incidental development involving acid
sulfate soils excepted from clause 10**

Insert at the end of the Schedule:

Clause 36 of Ballina Local Environmental Plan 1987



Newcastle Local Environmental Plan 2003

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N97/00007/PC)

CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

Newcastle Local Environmental Plan 2003

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Clause 1 Newcastle Local Environmental Plan 2003

Part 1 Strategic direction and application of plan

Newcastle Local Environmental Plan 2003

under the

Environmental Planning and Assessment Act 1979

Part 1 Strategic direction and application of plan

1 Name of plan

This plan is *Newcastle Local Environmental Plan 2003*.

2 Land to which plan applies

- (1) This plan applies to all land within the City of Newcastle, except as provided by subclause (2).
- (2) This plan does not apply to any land for the time being shown as “deferred” on the zoning map, which has been excluded from this plan under section 70 (4) of the Act by the Minister.

3 Explanatory notes

Notes which appear in this plan are explanatory only and do not form part of the plan.

4 Context and relationship to other environmental planning instruments

- (1) This plan sets a planning framework to help achieve the objects of the Act in the City of Newcastle.
- (2) This plan provides a basis for the preparation of development control plans to guide and assist the preparation, assessment and determination of development applications.
- (3) This plan:
 - (a) amends *Newcastle Local Environmental Plan 1987* by inserting the following subclause at the end of clause 3:
 - (2) However, this plan does not apply to land to which *Newcastle Local Environmental Plan 2003* applies.

Newcastle Local Environmental Plan 2003

Clause 5

Strategic direction and application of plan

Part 1

-
- (b) repeals clause 2 (3) and Part 10 of, and Schedule 3 to, *Hunter Regional Environmental Plan 1989*.

5 Aims and general objectives

This plan has the following aims and general objectives to achieve those aims:

Aim 1

To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle.

Objectives

Development should:

- (a) respect and build upon positive aspects of local character and amenity, and
- (b) contribute positively to the public domain, namely its urban streetscapes and open spaces, or its rural and natural landscapes, and
- (c) conserve the environmental heritage of the City of Newcastle, and
- (d) conserve the heritage significance of the existing built fabric, relics, settings and views associated with identified heritage items and heritage conservation areas, and
- (e) ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (f) protect places and structures which have the potential to have heritage significance but have not been identified as heritage items, and
- (g) ensure that nominated heritage conservation areas retain their heritage significance.

Aim 2

To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development (ESD) in the City of Newcastle.

Clause 5 Newcastle Local Environmental Plan 2003

Part 1 Strategic direction and application of plan

Objectives

Development should:

- (a) protect and enhance biodiversity, and
- (b) minimise the use of non-renewable resources and optimise the use of renewable resources, and
- (c) minimise, and where possible eliminate, waste and pollution, and
- (d) rehabilitate soil, water and vegetation, where damaged by past activities, and
- (e) address natural hazards and other risks such as flooding, bushfire, mine subsidence, landslip, coastal inundation, soil and groundwater contamination, acid sulphate soils and the like, and
- (f) ensure buildings are designed to be capable of being readily adapted for reuse for one or more purposes.

Aim 3

To contribute to the economic well being of the community in a socially and environmentally responsible manner.

Objectives

Development should:

- (a) where possible create sustainable employment opportunities, and
- (b) contribute to a greater degree of economic and employment self-sufficiency in the City of Newcastle, its urban centres and its neighbourhoods, as well as in the Hunter Region, and
- (c) not jeopardise the ongoing operation and potential of the port of Newcastle, the adjacent industrial lands and the associated significant freight transport undertakings, and
- (d) reinforce the roles of established urban centres in their present hierarchy, comprising the city centre, the district centres and the local centres, as generally described in the *Newcastle Urban Strategy*, and
- (e) contribute positively to urban centres being focal points for employment, particularly in the service sectors of the economy, and

Newcastle Local Environmental Plan 2003

Clause 5

Strategic direction and application of plan

Part 1

-
- (f) provide for home based businesses that are compatible with the character and amenity of the neighbourhood in which they are to be located, and
 - (g) take advantage of and contribute to those locations not in urban centres, which are valuable to the economy of the City of Newcastle and the Hunter Region.

Aim 4

To improve the quality of life and well being of the people of the City of Newcastle.

Objectives

Development should:

- (a) maximise positive social impacts and eliminate or minimise potentially detrimental social impacts, and
- (b) optimise safety and security, both for the development and for the public realm, and
- (c) promote inclusiveness in the provision of access to accommodation, facilities or services, and
- (d) contribute positively to the functional efficiency, accessibility and urban quality of the City of Newcastle, and
- (e) ensure adequate provision of utility services.

Aim 5

To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor-vehicle dependency.

Objectives

Development should:

- (a) contribute to the diversity of and synergies between activities in and around urban centres, including housing, employment, service delivery and community activity, and
- (b) contribute positively to urban centres being places that are and will become more highly desirable places in which to reside as well as work, and

Clause 6 Newcastle Local Environmental Plan 2003

Part 1 Strategic direction and application of plan

- (c) optimise the shared use of streets and parking facilities, while improving or creating a safe, attractive, friendly and efficient pedestrian and cycling environment.

Aim 6

To encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services, and the like.

Objectives

Development should:

- (a) facilitate improved housing choice for the people of the City of Newcastle, and
- (b) add to the stock of urban housing in and within a reasonable walking distance of local centres, district centres, the city centre, and other public transport nodes, and
- (c) ensure that urban housing is constructed in a manner that can accommodate or be adapted to the needs of a variety of household types.

6 Method

This plan sets the framework for the achievement of its aims and objectives by:

- (a) defining zones and identifying those zones on a set of maps called the zoning map, and
- (b) providing guidance for the assessment and determination of development applications having consideration for the environmental, economic and social impact of proposed development and its contribution to the achievement of the aims and objectives of the plan as well as the specific zone objectives nominated for the various zones under the plan, and
- (c) identifying Central Honeysuckle and Steel River as areas that have specific planning objectives, procedures and criteria applying to them, and
- (d) identifying items of environmental heritage and heritage conservation areas and providing for their protection, and
- (e) providing for the use of land for temporary purposes and the acquisition of land reserved for public purposes, and

Newcastle Local Environmental Plan 2003

Clause 7

Strategic direction and application of plan

Part 1

-
- (f) requiring that certain environmental matters, such as the presence of bush fire prone land, acid sulphate soils or the impact of Hunter River flooding are adequately considered in the assessment of development applications, and
 - (g) providing for vegetation management and the protection of trees, and
 - (h) providing for the public advertisement and appropriate referral of certain development proposed under the plan, and
 - (i) providing for the suspension of those parts of covenants and other private agreements that hinder the implementation of the plan.

7 Consent authority

- (1) The Council is the consent authority for the purposes of this plan, except as provided by subclause (2) and where otherwise specified under the Act.
- (2) The Minister is the consent authority for the purposes of development applications relating to land at Central Honeysuckle shown edged heavy black on the map in Schedule 7 (the Central Honeysuckle public domain concept plan), but the Minister may delegate that function in accordance with the Act.

8 Requirements for development

In addition to the other heads of consideration set out in section 79C (1) of the Act, the consent authority must have regard to the following particular matters before granting consent to proposed development:

- (a) the relevant aims and general objectives of this plan,
- (b) the relevant zone objectives nominated by this plan for the particular zone in which the land concerned is situated, as shown on the zoning map,
- (c) any other relevant provision of this plan.

9 Transitional provision

Despite clause 4 (3), *Newcastle Local Environmental Plan 1987*, as in force immediately before the commencement of this plan, continues to apply to a development application relating to land to which this plan applies, if:

Clause 9 Newcastle Local Environmental Plan 2003

Part 1 Strategic direction and application of plan

- (a) the application was made but not finally determined before the commencement of this plan, and
- (b) the development which is the subject of the application is prohibited under the provisions of this plan, but was permissible with consent under that plan.

Newcastle Local Environmental Plan 2003

Clause 10

General controls for development

Part 2

Part 2 General controls for development

10 Exempt development

Development listed in Schedule 1 is exempt development if:

- (a) it is development that is of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it complies with the relevant development standards and any other requirements specified in Column 2 of that Schedule for the particular form of development proposed, and
- (c) it does not contravene any condition of development consent applying to the subject land, and
- (d) it is not carried out on land identified as an Aboriginal place or on which there is a known Aboriginal relic, or that has been dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
- (e) it is not carried out on community land the subject of a resolution of the Council:
 - (i) under section 36C of the *Local Government Act 1993* (relating to areas containing significant natural features), or
 - (ii) under section 36D of the *Local Government Act 1993* (relating to areas of cultural significance), and
- (f) it is not carried out on land that is below the level corresponding to 0.5 metre above the 1% annual exceedance probability flood level unless otherwise stated in Schedule 1, and
- (g) it is not carried out on land that is critical habitat or the subject of a recovery plan or threat abatement plan that specifies measures to be taken in respect of the land under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
- (h) it is not carried out on land that is, or is likely to be, affected by elevated concentrations of soil or groundwater contaminants unless a site audit statement certifies that the land is suitable for the proposed development, and
- (i) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and

Clause 11 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

- (j) it does not restrict any approved car parking facility or vehicular or pedestrian access to or from the site, and
- (k) it does not obstruct the drainage of the site on which it is carried out or the drainage of adjacent lands.

11 Complying development

Development listed in Schedule 2 is complying development if:

- (a) it is development that is of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it complies with the development standards and any other requirements specified in Column 2 of that Schedule for the particular form of development proposed, and
- (c) it does not contravene any condition of development consent applying to the subject land, and
- (d) it is not carried out on land identified as an Aboriginal place or on which there is a known Aboriginal relic, or that has been dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
- (e) it is not carried out on community land the subject of a resolution of the Council:
 - (i) under section 36C of the *Local Government Act 1993* (relating to areas containing significant natural features), or
 - (ii) under section 36D of the *Local Government Act 1993* (relating to areas of cultural significance), and
- (f) it is not carried out on land that is below the level corresponding to 0.5 metre above the 1% annual exceedance probability flood level unless otherwise stated in Schedule 2, and
- (g) it is not carried out on land that is critical habitat or the subject of a recovery plan or threat abatement plan that specifies measures to be taken in respect of the land under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
- (h) it is not carried out on land that is, or is likely to be, affected by elevated concentrations of soil or groundwater contaminants unless a site audit statement certifies that the land is suitable for the proposed development, and

Newcastle Local Environmental Plan 2003

Clause 12

General controls for development

Part 2

-
- (i) a certificate of compliance has been obtained for the development, if required from the Hunter Water Corporation, and
 - (j) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (k) it does not restrict any approved car parking facility or vehicular or pedestrian access to or from the site.

12 Conditions for complying development

A complying development certificate issued for complying development under this plan is subject to the standard conditions for complying development specified in Schedule 3.

13 Development that does not require consent

Except as otherwise provided by this plan, the following do not require consent:

- (a) exempt development identified in clause 10,
- (b) utility undertakings described in Schedule 4 when carried out by a public authority,
- (c) anything specified in section 4B (3) of the Act,
- (d) development below high water mark for purposes related to the operation of the Port of Newcastle by the Newcastle Port Authority,
- (e) environmental protection works,
- (f) emergency bush fire hazard reduction work or fire fighting acts,
- (g) managed bush fire hazard reduction work on land other than excluded land.

14 Development that requires consent

Except as otherwise provided by this plan, the following may be carried out only with development consent:

- (a) a use of land,
- (b) the subdivision of land,
- (c) the erection of a building,

Clause 15 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

- (d) the carrying out of a work, including:
 - (i) the excavation, filling or dredging of land, and
 - (ii) the disposal of waste,
- (e) the removal or pruning of a tree or the clearing of native vegetation,
- (f) the injuring or poisoning of a tree,
- (g) the demolition or removal of a building, work, relic or place in whole or in part,
- (h) works involving a heritage item or within a heritage conservation area involving the alteration of a building, work or relic by making structural or non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which would not adversely affect any heritage significance it may have,
- (i) altering a heritage item by making structural or non-structural changes to the detail, fabric, finish or appearance of its interior, except changes resulting from any maintenance necessary for its ongoing protective care which would not adversely affect any heritage significance it may have,
- (j) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved or destroyed,
- (k) the moving to another location of a building or relic,
- (l) the display of an advertising sign,
- (m) the carrying out of a utility undertaking described in Schedule 4 otherwise than by a public authority.

15 Development that is prohibited

Except as otherwise provided by this plan, the following development is prohibited:

- (a) development for the purpose of hazardous industries, hazardous storage establishments, offensive industries or offensive storage establishments,
- (b) the carrying out of particular land uses within a zone if nominated as prohibited development in the zone.

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

16 Zonings

- (1) For the purposes of this plan, land within the City of Newcastle is within a zone if so indicated on the zoning map in accordance with the Table to this clause.
- (2) Except as otherwise provided by this plan, the development that may be carried out without consent, only with the consent of the consent authority, and that is prohibited, is specified in the Table to this clause under the headings "Development without consent", "Development only with consent" and "Prohibited development", respectively, for each of the zones under this plan.

Table

Zone 1 (a) Rural Residential Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "1 (a)" or coloured beige on the zoning map.

2 Zone objectives

- (a) To accommodate rural and semi-residential development that is compatible with surrounding land uses, sensitive to the environment and sympathetic to rural and natural landscapes.
- (b) To respect the biodiversity, habitat, landscape and cultural values of the rural and semi-rural parts of the City of Newcastle.
- (c) To require the disposal of generated waste on site, where practicable, and the implementation of soil and water management systems that minimise the environmental impact of development.
- (d) To respect the cultural, historic and landscape values of the site and the locality.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

- agriculture
- animal establishments
- bed and breakfast accommodation
- camping grounds or caravan parks
- childcare centres
- clearing
- community facilities
- convenience shops

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

dwelling
dwelling-houses
educational establishments
environmental facilities
home employment
home workplaces
mines
plant nurseries
recreation areas
roadside stalls
tree removal
utility undertakings
Demolition.
Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 2 (a) Residential Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "2 (a)" or coloured yellow on the zoning map.

2 Zone objectives

- (a) To accommodate a diversity of housing forms that respect the amenity, heritage and character of surrounding development and the quality of the environment.
- (b) To accommodate home-based business and community facilities that do not unreasonably or significantly detract from the amenity or character of the neighbourhood and the quality of the environment.
- (c) To require the retention of existing housing stock where appropriate, having regard to ESD principles.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:
advertising signs
advertising structures
aerodromes

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

airstrips
animal establishments
automotive services
boarding houses
brothels
bulky goods retail outlets
camping grounds or caravan parks
car repair stations
cemeteries
clubs
commercial offices
commercial premises
crematoriums
eco-generating works
eco-tourism facilities
electronic communication centres
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
home workplaces
hospitals
hotels
industries
institutions
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
motor showrooms
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
places of assembly
places of worship
plant nurseries

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

pond-based aquaculture
ports
recreation areas
recreation facilities
restaurants
roadside stalls
serviced apartments
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots
warehouses
waste management facilities or works

Zone 2 (b) Urban Core Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "2 (b)" or coloured orange on the zoning map.

2 Zone objectives

- (a) To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment.
- (b) To accommodate a mix of home-based employment-generating activities that are compatible in scale and character with a predominantly residential environment.
- (c) To accommodate a limited range of non-residential development of a scale and intensity compatible with a predominantly residential environment which does not unreasonably detract from the amenity or character of the neighbourhood or the quality of the environment.
- (d) To require the retention of existing housing stock where appropriate, having regard to ESD principles.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:
advertising signs
advertising structures

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

aerodromes
airstrips
animal establishments
automotive services
brothels
bulky goods retail outlets
camping grounds or caravan parks
car repair stations
cemeteries
clubs
commercial offices
commercial premises
crematoriums
eco-generating works
eco-tourism facilities
electronic communication centres
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
hotels
industries
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
mines
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
plant nurseries
pond-based aquaculture
ports
recreation areas
recreation facilities
restaurants

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

roadside stalls
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots
warehouses
waste management facilities or works

Zone 3 (a) Local Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "3 (a)" or coloured bright red on the zoning map.

2 Zone objectives

- (a) To provide for a compatible mix of business and housing in accessible locations, that could reasonably be expected to serve a local community with a population in the order of 5,000 people, which will maintain the hierarchy of urban centres throughout the City of Newcastle and will not prejudice the viability of the District Centre or the City Centre zone.
- (b) To conserve and enhance the built character and cultural heritage of local centres and to reinforce their vitality and viability.
- (c) To accommodate activities that serve the social, cultural and recreational needs of the local community.
- (d) To encourage residential development to be designed and located above or adjacent to core retail frontages in order to contribute to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- (e) To ensure that new development has regard to the character and amenity of adjacent residential areas.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
animal establishments
brothels
bulky goods retail outlets

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

camping grounds or caravan parks
cemeteries
crematoriums
eco-generating works
eco-tourism facilities
electronic communication centres
exhibition villages
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
pond-based aquaculture
ports
roadside stalls
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots
warehouses
waste management facilities or works

Zone 3 (b) District Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "3 (b)" or coloured red on the zoning map.

2 Zone objectives

- (a) To provide for a compatible mix of retail, commercial, recreational and other compatible employment activities that could reasonably be expected to service a district with a

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

population in the order of 20,000–30,000 people and maintain the hierarchy of urban centres throughout the City of Newcastle.

- (b) To recognise and not prejudice the viability of the Newcastle City Centre as the pre-eminent retail, commercial, administrative, social, cultural and recreational centre of the City of Newcastle and the Hunter Region.
- (c) To encourage a compatible and balanced mix of residential and commercial development above or adjacent to core retail frontages that contributes to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- (d) To conserve and enhance the built character and cultural heritage of district centres to reinforce their character and improve their vitality and viability.
- (e) To ensure that new development has regard to the character and amenity of adjacent residential areas.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
animal establishments
camping grounds or caravan parks
cemeteries
crematoriums
eco-generating works
eco-tourism facilities
exhibition villages
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
roadside stalls
tank-based aquaculture
transport depots
warehouses
waste management facilities or works

Zone 3 (c) City Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (c)” or coloured light red on the zoning map.

2 Zone objectives

- (a) To promote the Newcastle City Centre as the pre-eminent regional centre of the Hunter providing for activities of a higher functional order and development intensity than is provided for in District Centre and Local Centre zones under this plan.
- (b) To accommodate a diverse and compatible range of uses and activities within the City Centre, within its street blocks and within individual buildings and sites, including high density residential development and a wide range of employment generating activities, such as:
 - (i) commercial and retail development, and
 - (ii) cultural and entertainment facilities, and
 - (iii) tourism, leisure and recreation functions, and
 - (iv) social, education and health services, and
 - (v) small scale light industries and service industries.
- (c) To accommodate compatible mixed use development above or adjacent to core retail and commercial street frontages that contributes to a safe, attractive and efficient pedestrian environment.
- (d) To conserve and enhance the rich cultural and built heritage of the City Centre to reinforce its unique character and improve its vitality and viability.
- (e) To enable development of waterfront sites to take advantage of the harbour while avoiding a continuous built edge along the waterfront, and not compromising or devaluing the scale and operations of the Port of Newcastle.
- (f) To provide for the creation and maintenance of easily located public access and view corridors.

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

(g) To provide for development that is consistent in scale and character with:

- (i) other development in the locality and the City Centre generally, and
- (ii) the landscape and streetscape context of the City Centre including, but not limited to, the city skyline, the foreshore, the coast and the Port of Newcastle.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
animal establishments
camping grounds or caravan parks
cemeteries
crematoriums
eco-generating works
eco-tourism facilities
exhibition villages
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
roadside stalls
tank-based aquaculture
waste management facilities or works

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

Zone 3 (d) Mixed Use Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (d)” or coloured light purple on the zoning map.

2 Zone objectives

- (a) To provide for a range of compatible land uses, such as residential accommodation and appropriate employment-generating development including low intensity retailing, commercial and light industrial development within close proximity to key transport routes.
- (b) To promote and facilitate opportunities to live and conduct business on a mixed use basis.
- (c) To ensure that the scale, design and nature of development contributes positively to the visual quality of key transport corridors.
- (d) To ensure that appropriate employment-generating development including low intensity retailing, commercial or light industrial development respects the residential amenity of the neighbourhood.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
animal establishments
camping grounds or caravan parks
cemeteries
crematoriums
eco-generating works
eco-tourism facilities
exhibition villages
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
roadside stalls
tank-based aquaculture
waste management facilities or works

Zone 4 (a) Urban Services Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "4 (a)" or coloured purple on the zoning map.

2 Zone objectives

- (a) To accommodate a wide range of light industrial, transport and storage activities which do not adversely affect the amenity of the neighbourhood.
- (b) To accommodate a wide range of employment-generating uses and associated support facilities with good access to the arterial road network for freight movement.
- (c) To accommodate sales and storage operations requiring extensive space such as bulky goods retail outlets, which are not appropriate in, and which will not prejudice the viability of local centres, district centres or the Newcastle City Centre.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
bed and breakfast accommodation
boarding houses

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

camping grounds or caravan parks
cemeteries
clubs
commercial offices
dwellings or dwelling-houses (other than those used in conjunction with industry and situated on the same land as the industry)
eco-tourism facilities
educational establishments
exhibition homes
exhibition villages
extractive industries
generating works
hazardous industries
hazardous storage establishments
heliports
hospitals
hotels
industries other than light industries
institutions
intensive agriculture
liquid fuel depots
local shops
mines
motels
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
restaurants
roadside stalls
serviced apartments
shops
urban housing
waste management facilities or works

Zone 4 (b) Port and Industry Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "4 (b)" or coloured brown on the zoning map.

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

2 Zone objectives

- (a) To accommodate port, industrial, maritime industrial, and bulk storage activities which by their nature or the scale of their operations require separation from residential areas and other sensitive land uses.
- (b) To require that development of land within 750 metres from the high-water mark of the shores of the Port of Newcastle, capable of docking ocean-going vessels, is used for purposes that:
 - (i) require a waterfront location that provides direct access to deep water, or
 - (ii) depend upon water-borne transport of raw materials or finished products, or
 - (iii) have a functional relationship that necessitates proximity to the activities described above.
- (c) To facilitate sustainable development through the application of industrial ecology.
- (d) To provide for other development which will not significantly detract from the operation of large scale industries or port-related activities, that is primarily intended to provide services to persons employed in such industries and activities.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

agriculture
bed and breakfast accommodation
boarding houses
bulky goods retail outlets
camping grounds or caravan parks
cemeteries
child care centres
commercial offices
dwellings or dwelling-houses (other than those used in conjunction with industry and situated on the same land as the industry)
eco-tourism facilities
educational establishments
exhibition homes
exhibition villages
hazardous industries
hazardous storage establishments
hospitals

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

hotels
institutions
intensive agriculture
local shops
motels
natural water-based aquaculture
offensive industries
offensive storage establishments
places of assembly
places of worship
pond-based aquaculture
recreation areas
roadside stalls
serviced apartments
shops
urban housing

Zone 4 (c) Steel River Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "4 (c)" or coloured with light brown spots on the zoning map.

2 Zone objectives

- (a) To facilitate the development of employment-generating industrial, research, service or storage activities.
- (b) To allow commercial, retail or other development only where it is:
 - (i) ancillary to the use of land within this zone for industrial, research, service or storage purposes, and
 - (ii) primarily intended to provide personal services and community facilities to persons occupied or employed in activities otherwise permitted in this zone or for the benefit of the local community, and
 - (iii) associated with an industrial environment, and
 - (iv) unlikely to prejudice the viability of existing commercial centres, and
 - (v) not prejudicial to the objective in paragraph (a).

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

5 Prohibited development

Development for the purpose of:

advertising structures
aerodromes
agriculture
airstrips
bed and breakfast accommodation
boarding houses
camping grounds or caravan parks
cemeteries
commercial offices
dwellings or dwelling-houses (other than those used in conjunction with industry or commercial premises and situated on the same land as the industry or commercial premises)
exhibition homes
exhibition villages
extractive industries
hazardous industries
hazardous storage establishments
heliports
hospitals
hotels
institutions
local shops
mines
motels
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
roadside stalls
serviced apartments
shops
urban housing

Zone 5 (a) Special Uses Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "5 (a)" or coloured dark blue on the zoning map, followed by a particular land use nominated in respect of the site.

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

2 Zone objectives

- (a) To accommodate major transport networks and facilities.
- (b) To accommodate large scale facilities and services, together with ancillary activities.
- (c) To accommodate large scale community establishments, together with ancillary activities.
- (d) To require development to be integrated and reasonably consistent in scale and character with surrounding natural, rural or urban environments.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

advertising structures
aerodromes
airstrips
animal establishments
automotive services
brothels
bulky goods retail outlets
camping grounds or caravan parks
car repair stations
clubs
commercial premises
exhibition villages
extractive industries
hazardous industries
hazardous storage establishments
heliports
hotels
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

places of assembly
pond-based aquaculture
ports
roadside stalls
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots
warehouses

Zone 5 (b) Special Uses Reservation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "5 (b)" or coloured light blue on the zoning map, followed by a particular land use nominated in respect of the site.

2 Zone objectives

- (a) To reserve land for future essential services including roads, railways, open space and community purposes.
- (b) To reserve for open space purposes land possessing special recreational, aesthetic, ecological or conservation value.
- (c) To protect land that is to be acquired for a public purpose from inappropriate development.
- (d) To allow the development of land within this zone for an interim purpose where it is not immediately required, provided that such development does not affect the usefulness of the land for the nominated purpose for which it is required.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

advertising structures
aerodromes
airstrips
animal establishments
automotive services
boarding houses
brothels
bulky goods retail outlets

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

camping grounds or caravan parks
car repair stations
clubs
commercial offices
commercial premises
dwelling-houses
eco-tourism facilities
electronic communication centres
exhibition villages
extractive industries
goods terminals
hazardous industries
hazardous storage establishments
heliports
home workplaces
hotels
industries
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
mines
motels
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments
places of assembly
plant nurseries
pond-based aquaculture
ports
recreation areas
recreation facilities
restaurants
roadside stalls
serviced apartments
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

urban housing
warehouses
waste management facilities or works

Zone 6 (a) Open Space and Recreation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "6 (a)" or coloured bright green on the zoning map.

2 Zone objectives

- (a) To accommodate leisure, recreation and sports facilities in parks, gardens, plazas and other open spaces, for the general use of the community, where consistent with an adopted plan of management under the *Local Government Act 1993* or the *Crown Lands Act 1989*.
- (b) To provide for the conservation of urban bushland where associated with parks and other open spaces.
- (c) To accommodate other facilities for the benefit of the community that are compatible and consistent with the heritage and character of the open space and with the character and amenity of the neighbourhood.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:
camping grounds or caravan parks
childcare centres
clearing
clubs
community facilities
convenience shops
dwellings
dwelling-houses
eco-generating works
eco-tourism facilities
environmental facilities
flood works
helipads
home employment
marinas
passenger terminals
places of assembly
recreation areas

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

recreation facilities

restaurants

tree removal

utility undertakings

Any development allowed by a plan of management under the *Local Government Act 1993* or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (a) Conservation Zone**1 Manner shown on zoning map**

Land in this zone is edged heavy black and marked "7 (a)" or coloured light green on the zoning map.

2 Zone objectives

- (a) To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.
- (b) To provide for the conservation, enhancement and protection of environmentally sensitive land, such as remnant bushland, in both urban and rural localities.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

airstrips

agriculture

animal establishments

bed and breakfast accommodation

camping grounds or caravan parks

cemeteries

child care centres

clearing

community facilities

convenience shops

dwellings

dwelling-houses

eco-generating works

eco-tourism facilities

educational establishments

Clause 16 Newcastle Local Environmental Plan 2003

Part 2 General controls for development

environmental facilities
 flood works
 helipads
 home employment
 home workplaces
 institutions
 natural water-based aquaculture
 plant nurseries
 pond-based aquaculture
 recreation areas
 roadside stalls
 tank-based aquaculture
 tree removal
 utility undertakings

Any development allowed by a plan of management under the *Local Government Act 1993* or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (b) Environmental Protection Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “7 (b)” or coloured dark green on the zoning map.

2 Zone objectives

- (a) To provide for the conservation, enhancement and protection of environmentally sensitive land, particularly wetlands.
- (b) To allow limited development where it is unlikely to have a significant detrimental effect on the growth of natural communities, the survival of native wildlife populations, the provision and quality of habitats for indigenous and migratory species and the surface and ground water characteristics of the site.
- (c) To provide for the management of the majority of the Hunter River flood plain by restricting the type and scale of development to that compatible with the anticipated risk to life and property.

3 Development without consent

Any development identified in clause 13.

Newcastle Local Environmental Plan 2003

Clause 16

General controls for development

Part 2

4 Development only with consent

Development for the purpose of:

agriculture
clearing
dwellings
dwelling-houses
eco-generating works
environmental facilities
flood works
recreation areas
tree removal
utility undertakings

Any development allowed by a plan of management under the *Local Government Act 1993* or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (c) Environmental Investigation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "7 (c)" or coloured pale pink on the zoning map.

2 Zone objectives

- (a) To provide for the development of land for purposes which will not, or will be unlikely to, prejudice its possible future development for urban purposes or its environmental conservation.
- (b) To conserve the rural or bushland character, and the biodiversity values or other conservation values, of the land.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

agriculture
airstrips
animal establishments
bed and breakfast accommodation
clearing
dwellings
dwelling-houses

Clause 16 Newcastle Local Environmental Plan 2003
Part 2 General controls for development

eco-generating works
environmental facilities
flood works
helipads
home employment
home workplaces
intensive agriculture
mines
plant nurseries
recreation areas
roadside stalls
tree removal
utility undertakings
Demolition.
Subdivision.

- 5 Prohibited development**
Any development not identified in item 3 or 4.

Zone 8 (a) National Parks Zone

- 1 Manner shown on zoning map**
Land in this zone is edged heavy black and marked "8 (a)" or coloured khaki on the zoning map.
- 2 Zone objectives**
To provide for the management and appropriate development of land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*.
- 3 Development without consent**
Any development authorised by or under the *National Parks and Wildlife Act 1974* and any development incidental or ancillary to such development.
- 4 Development only with consent**
Nil.
- 5 Prohibited development**
Any development not identified in item 3.

Newcastle Local Environmental Plan 2003

Clause 17

Special provisions

Part 3

Part 3 Special provisions

17 Subdivision

(1) **Subdivision of land in more than one zone**

A subdivision is prohibited if it would create a lot comprised of land within more than one zone, except as provided subclause (2).

(2) Despite subclause (1), the consent authority may consent to a subdivision that creates such a lot if at least 90% of the land in the lot is within the same zone.

(3) Any lot created under the exception provided by subclause (2) is taken to be wholly within the zone in which the largest part of the land in the lot is in.

(4) **Subdivision of land within Zones 1 (a), 7 (a), 7 (b) and 7 (c)**

Consent must not be granted to subdivision of land in Zone 1 (a), 7 (a), 7 (b) or 7 (c) unless the subdivision is complying development.

18 Covenants

(1) Any covenant, agreement or like instrument, which is contrary to development that is permitted and for which consent has been granted under this plan, does not apply to the extent to which the covenant, agreement or instrument would prevent or restrict the development from being undertaken in accordance with the consent.

(2) Subclause (1) does not apply to a registered instrument that confers a benefit on a public authority.

(3) The Governor approved of subclauses (1) and (2) pursuant to section 28 of the Act prior to the making of this plan.

19 Reclassification of community land

(1) The public land referred to in Schedule 5 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*.

(2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation

Clause 20 Newcastle Local Environmental Plan 2003

Part 3 Special provisions

of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the land or any part of the land, except for:

- (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan inserted a description of land in Part 2 of Schedule 5, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, *the relevant amending plan*, in relation to land described in Part 2 of Schedule 5, means this plan or, if the description of the land is inserted into that Part by another local environmental plan, that plan.
- (5) Land described in Part 1 of Schedule 5 is not affected by the amendments to section 30 of the *Local Government Act 1993* made by the *Local Government Amendment (Community Land Management) Act 1998*.

20 Use of land for temporary purposes

Despite any other provision of this plan, a person may, with development consent, use land for a temporary purpose for a period of not more than 72 hours, whether consecutive or not, if:

- (a) in the opinion of the consent authority, the use would have no significant adverse impacts on the environment or the amenity of the neighbourhood, and
- (b) the use would not involve the erection of or alteration to any structure being a structure or alteration intended to be permanent, and
- (c) the use consists of an activity that has been approved by the Council.

Newcastle Local Environmental Plan 2003

Clause 21

Special provisions

Part 3

21 Reservation of land for public purposes, its interim use and its acquisition

- (1) In this clause:

the RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

the SRA means the State Rail Authority.

vacant land means land on which, immediately before the day on which a notice under subclause (2) is given, there were no buildings other than fences, green houses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

- (2) The owner of any land within Zone 5 (b) may, by notice in writing, require:
- (a) the RTA to acquire that land if it is marked “Arterial Road” on the zoning map, or
 - (b) the SRA to acquire that land if it is marked “Rail” on the zoning map, or
 - (c) the Council to acquire other land nominated for another purpose on the zoning map.
- (3) On receipt of a notice under subclause (2), the public authority concerned shall acquire the land if:
- (a) in the case of land marked “Arterial Road” or “Rail” on the zoning map, the land is included in the 5-year works program of the RTA or the SRA, respectively, current at the time of the notice, or
 - (b) in the case of land referred to in subclause (2) (c), the land is included in a section 94 contributions plan or a Council adopted works program current at the time of the notice, or
 - (c) in the case of land marked “Arterial Road” or “Rail” on the zoning map, the RTA or the SRA, respectively, has decided not to give its concurrence under subclause (5) (a) to an application to carry out development on the land, or
 - (d) the Council has decided not to grant consent to develop the land on the basis of the matters specified in subclause (6), or
 - (e) the public authority required to acquire the land is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable timeframe.

Clause 22 Newcastle Local Environmental Plan 2003

Part 3 Special provisions

- (4) Despite subclause (3), the public authority concerned need not acquire the land if it might reasonably be required to be dedicated for the purpose for which it has been reserved, as marked on the zoning map.
- (5) Despite any other provision of this plan:
 - (a) land referred to in subclause (2) (a) and (b) may be developed only with the concurrence of the RTA and the SRA, respectively, and
 - (b) land referred to in subclause (2) (c) may be developed with the consent of the Council for any purpose which may be carried out in an adjacent zone.
- (6) In deciding whether to grant concurrence for consent to proposed development, the public authority concerned must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose nominated on the zoning map,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the authority concerned resulting from the carrying out of the proposed development.

22 Certain industrial land at Hexham

- (1) This clause applies to land in Zone 4 (b) shown by diagonal cross-hatching on the zoning map.
- (2) The consent authority shall not consent to development that involves filling of land to which this clause applies unless:
 - (a) a comprehensive filling and stormwater drainage master plan for the site has been prepared by a practising engineer experienced in flood management which confirms that the land is able to be filled without adverse impacts on adjoining lands or on the overall flood environment, and
 - (b) an emergency response plan has been prepared to the satisfaction of the State Emergency Services area controller providing for the position of warnings and the safe evacuation of persons in the event of inundation of the site by floodwaters and the proposed development complies with the provisions of that plan.

Newcastle Local Environmental Plan 2003

Clause 23

Special provisions

Part 3

23 Access to arterial roads

- (1) Unless subclauses (2) and (3) have been complied with, a person shall not carry out development on land which adjoins an arterial road unless direct vehicular access to the land is made by way of a road that is not an arterial road.
- (2) Consent may be granted to development that involves direct vehicular access from a development site to an arterial road if alternative access to that development site is provided by a road that is not an arterial road or by a proposed road identified as an access road in a development control plan or, in the opinion of the consent authority, alternative access is not practicable.
- (3) Prior to consenting to any development that provides for direct vehicular access to an arterial road, the consent authority shall consult with the RTA.

24 Development of land below high water mark

A person shall not carry out development on any land:

- (a) below high water mark, or
- (b) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse, or
- (c) which has been reclaimed,

except with development consent.

25 Acid sulphate soils

- (1) In this clause:

works means any disturbance of more than one tonne of soils, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), the construction of footings or erection of foundations, flood works, or any other works that are likely to lower the water-table.

- (2) A person shall not, without the consent of the consent authority, carry out works on land to which this plan applies, being Class 1, 2, 3, 4, or 5 land as indicated on the "Potential Acid Sulphate Soils Planning Map", being works specified for the respective class of land in the following Table, except as otherwise provided by this clause:

Clause 25 Newcastle Local Environmental Plan 2003

Part 3 Special provisions

Acid sulphate soils table

Class of land	Works to which this clause applies
1	Any works.
2	Works below the ground surface. Works by which the water table is likely to be lowered.
3	Works more than 1 metre below the natural ground level. Works by which the water table is likely to be lowered beyond 1 metre below natural ground surface.
4	Works more than 2 metres below the natural ground level. Works by which the water table is likely to be lowered more than 2 metres below natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3, or 4 land which are likely to lower the water table more than 1 metre on that adjacent Class 1, 2, 3, or 4 land.

- (3) The consent authority shall not grant consent required by subclause (2) unless it has considered:
- (a) the adequacy of an acid sulphate soils management plan prepared for the proposed development in accordance with the *Acid Sulphate Soils Manual*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid into ground or surface water, and
 - (c) any comments from the Department received within 28 days of the consent authority having sent that Department a copy of the development application and the related acid sulphate soils management plan.
- (4) Despite subclause (2), consent is not required for the carrying out of the works specified in that subclause, if:
- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the *Acid Sulphate Soils Manual*, has been provided to the consent authority, and

Newcastle Local Environmental Plan 2003

Clause 26

Special provisions

Part 3

-
- (b) the consent authority has provided written advice to the person proposing to carry out the works, confirming that, on the basis of the preliminary assessment, the proposed works will not require the preparation of an acid sulphate soils management plan in accordance with the *Acid Sulphate Soils Manual*.
- (5) Despite subclause (2), development may be carried out by the Council, the Hunter Water Corporation or the Hunter Catchment Management Trust, without consent, being:
- (a) development consisting of emergency works, or
 - (b) development consisting of routine maintenance, or
 - (c) development consisting of minor works,
- except that development referred to in paragraph (c) on premises that are a heritage item may be carried out only with the consent of the consent authority.
- (6) Where the Council, the Hunter Water Corporation or the Hunter Catchment Management Trust carries out development referred to in subclause (5) and encounters, or is likely to encounter acid sulphate soils, the authority concerned shall properly deal with those soils in accordance with the *Acid Sulphate Soils Manual* so as to minimise the actual or potential impact to the environment arising from their disturbance.

26 Bush fire prone land

The consent authority shall not grant consent to development on bush fire prone land unless the consent authority is satisfied with the measures proposed to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

Clause 27 Newcastle Local Environmental Plan 2003

Part 4 Environmental heritage conservation

Part 4 Environmental heritage conservation

27 Heritage assessment

- (1) In assessing a development application to carry out work on a heritage item or within a heritage conservation area, the consent authority shall have regard to the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or the heritage conservation area.
- (2) The assessment shall include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to the assessment of these issues if the heritage significance of the particular item or area involves other issues):
 - (a) for development that involves a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Newcastle, and
 - (ii) the impact the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting,
 - (b) for development that is proposed to be carried out within a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to the heritage significance of the area, and
 - (ii) the impact the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the scale, form, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to protect the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features which contribute to the heritage significance of the area would be affected by the proposed development.

Newcastle Local Environmental Plan 2003

Clause 28

Environmental heritage conservation

Part 4

28 Conservation management

In assessing a development application to carry out work on a heritage item, the consent authority may, if it considers it to be appropriate, require the submission of a conservation management plan and have regard to the plan's recommendations.

29 Advertised development

- (1) The following development is identified as advertised development for the purposes of the definition of *advertised development* in section 4 (1) of the Act:
 - (a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area,
 - (b) development referred to in clause 34.
- (2) This clause does not apply to the demolition or partial demolition of a building or work within a heritage conservation area which, in the opinion of the consent authority, is of a minor nature and would not adversely affect the heritage significance of the heritage conservation area.

30 Referral to Heritage Council

Before granting consent to the demolition of a heritage item of State significance, the consent authority shall notify the Heritage Council of the proposed demolition and take into consideration any comments received in response within 28 days from the date of notification.

31 Development affecting places or sites of Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority shall:

- (a) consider a heritage impact statement, which addresses the heritage impact of the proposed development, and
- (b) notify local Aboriginal communities and the Director-General of National Parks and Wildlife of the proposed development and take into consideration any comments received in response within 28 days from the date of notification.

Clause 32 Newcastle Local Environmental Plan 2003

Part 4 Environmental heritage conservation

32 Development affecting archaeological sites or relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site of a relic that has non-Aboriginal heritage significance, the consent authority shall consider a heritage impact statement which addresses the heritage impact of the proposed development.
- (2) This clause does not apply if the proposed development does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development.

33 Development in the vicinity of a heritage item

Before granting consent to development in the immediate vicinity of a heritage item or a heritage conservation area, the consent authority shall assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area and, in this regard, the consent authority may require the submission of a heritage impact statement.

34 Conservation incentives

Despite any other provisions of this plan, the consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which a heritage item is erected, if:

- (a) it is satisfied, on the basis of a heritage impact statement that the proposed use would not adversely affect the heritage significance of the heritage item or its setting and the conservation of the heritage item would be promoted or encouraged by the granting of the consent, and
- (b) the proposed use is not contrary to the provisions of any conservation management plan applicable to the site which has been endorsed by the consent authority, and
- (c) the granting of the consent to the proposed use would ensure that necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

Newcastle Local Environmental Plan 2003

Clause 35

Honeysuckle and Steel River

Part 5

Part 5 Honeysuckle and Steel River

35 Central Honeysuckle and Linwood

(1) **Central Honeysuckle**

In this clause, *Central Honeysuckle* means land at Honeysuckle shown edged heavy black on the map in Schedule 7 (the Central Honeysuckle public domain concept plan).

(2) When granting consent to development on land in Central Honeysuckle, the consent authority shall ensure that:

- (a) not less than 6.5 hectares or 25% of the total land area of Central Honeysuckle will be available as public open space or public domain, located approximately as shown on the map in Schedule 7, and
- (b) a continuous public promenade at least 6 metres wide is provided along the harbour foreshore, which may divert away from the water's edge only because of reasonable operational requirements made by adjoining land uses.

(3) Despite any other provision of this plan, land in Central Honeysuckle within either Zone 3 (c) or 6 (a) may, with consent, be developed for any purpose for which land in the other zone may be developed, but only if the consent authority is satisfied that carrying out the proposed development:

- (a) will achieve better urban design outcomes than would be achieved if it were not carried out, and
- (b) will not reduce the total amount of land in Central Honeysuckle that is available for public open space purposes below the amount specified in subclause (2) (a) and shown as public domain on the map in Schedule 7.

(4) Despite any other provision of this plan, consent may be granted for the carrying out on any land in Central Honeysuckle of development that is prohibited in Zone 3 (c) if the consent authority is satisfied that the development is compatible with other lawful development that is being or may be carried out on land in Central Honeysuckle.

Clause 36 Newcastle Local Environmental Plan 2003

Part 5 Honeysuckle and Steel River

(5) **Linwood**

Despite any other provision of this plan, consent may be granted for the carrying out of development for the purpose of a restaurant at Linwood within Lot 1 SP 68299 and for development for the purpose of alfresco dining in conjunction with that development on land within 10 metres of that lot.

36 Land in Zone 4 (c) at Mayfield West

(1) This clause applies to land at Mayfield West, shown edged heavy black and marked “4 (c)” or shown with light brown spots on the zoning map.

(2) In this clause:

environmental envelope means all the requirements set out in Part 4 of the *Strategic Impact Assessment Study*, and includes (without limitation) the requirements relating to the following:

- (a) air quality, noise emissions and water quality,
- (b) industrial ecology and ecologically sustainable development,
- (c) the social and economic welfare of residents and workers in Newcastle,
- (d) urban design and landscaping,
- (e) the cultural, historic and landscape significance of the land.

qualified person means a person:

- (a) who holds qualifications in a relevant field (such as town planning, engineering, architecture or environmental sciences) that are recognised by a professional association and the Council, and
- (b) who has been registered with the Council as a qualified person for the relevant purpose of preparing the study requested under subclause (5).

Strategic Impact Assessment Study means the study titled *Strategic Impact Assessment Study* concerning land at Tourle Street and Industrial Drive, Mayfield—the Steel River Project, approved by the Council and dated February 1998, a copy of which is available at the office of the Council.

(3) **Public notification**

On receipt of a development application with respect to land to which this clause applies, the consent authority shall:

Newcastle Local Environmental Plan 2003

Clause 36

Honeysuckle and Steel River

Part 5

-
- (a) give public notice of the receipt of the application, within 7 days of its receipt, in a newspaper circulating in the City of Newcastle, and
- (b) invite the public to inspect the proposal, at a place and at a time specified in the notice.
- (4) **Permissible development**
- The consent authority shall not grant consent to the carrying out of development on land to which this clause applies unless:
- (a) the development is allowed with consent within Zone 4 (c) and complies with the environmental envelope, and
- (b) the environmental effects of any aspect of the development relating to air quality, noise emissions or water quality that have not been addressed in the *Strategic Impact Assessment Study*, meet any relevant standards determined by the Environment Protection Authority.
- (5) **Granting consent**
- The consent authority should, within 28 days of receipt of a development application relating to land to which this clause applies, grant consent to the carrying out of the development, if it is satisfied that:
- (a) a study prepared by a qualified person demonstrates that the provisions of subclause (4) have been met, and
- (b) the consent authority has met its obligations under Part 4 of the Act with respect to the assessment of the development application and, in particular, the matters required to be taken into consideration under section 79C (1) of the Act.
- (6) **Review of standards**
- The Council shall undertake a full review of the environmental envelope at regular intervals from the commencement of this plan and shall, at least annually, make public a copy of the monitoring reports furnished under the environmental envelope.
- (7) In carrying out any such review, the Council shall consult with the Environment Protection Authority and any other groups it considers appropriate and give the public an opportunity to comment on the draft review.
- (8) Any such review is to include recommendations for changes to the *Strategic Impact Assessment Study* that are appropriate to ensure that a high standard of environmental protection is maintained.

Clause 36 Newcastle Local Environmental Plan 2003

Part 5 Honeysuckle and Steel River

(9) **Liaison Committee**

The Council and the owners of the land to which this clause applies are to establish a Liaison Committee to meet regularly with representatives of the Estate Management Company (referred to in the *Strategic Impact Assessment Study*) and members of the public to share and obtain information on environmental monitoring and the performance of individual developments on the land as well as the aggregate environmental performance of development on the land.

(10) **Relationship to other instruments**

The provisions of any development control plans approved by the Council prior to the commencement of this plan do not apply to the land to which this clause applies.

Newcastle Local Environmental Plan 2003

Clause 37

Definitions

Part 6

Part 6 Definitions

37 Definitions

- (1) In this plan the following terms have the meanings indicated:

1% annual exceedance probability flood level means a flood level that has a 1 in 100 chance of being reached in any one given year.

acid sulphate soils means actual acid sulphate soils or potential acid sulphate soils.

Acid Sulphate Soils Manual means the *Acid Sulphate Soils Manual* as published by the Acid Sulphate Soils Management Advisory Committee and for the time being adopted by the Director-General of the Department.

act of prostitution has the same meaning as in section 20 of the *Summary Offences Act 1988*.

actual acid sulphate soils means acid sulphate soils containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulphides, primarily pyrite, where the soil material has a pH of less than 4.0 when measured in dry season conditions, overlying potential acid sulphate soils or soils containing more than 0.05% oxidisable sulphur.

advertising sign means a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which:

- (a) is visible from any public place or public reserve, or from any navigable waterway, and
- (b) is not a road traffic signal or sign.

advertising structure has the same meaning as in the Act.

aerodrome means a landing field for aeroplanes, which includes permanent landing equipment, terminal buildings, hangars and other ancillary facilities.

agriculture means:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of livestock, bees, poultry or other birds, or
- (c) horticulture, including fruit, vegetable and flower crop production, and wholesale plant nurseries, or

Clause 37 Newcastle Local Environmental Plan 2003

Part 6 Definitions

(d) the grazing of livestock,

but, in Part 2, does not include anything elsewhere defined in this plan.

airstrip means a single runway forming a landing ground for aeroplanes, but does not include permanent terminal buildings, hangars or the like.

animal establishment means a building or place used for the breeding, boarding, training, keeping of, or caring for, animals on a commercial basis but, in Part 2, does not include a building or place elsewhere defined in this plan.

arborist means a person:

- (a) who holds the Australian Qualifications Framework Diploma in Horticulture (Arboriculture) or other qualification to the satisfaction of the Council, and
- (b) who has been registered with the Council as a qualified person for the purposes of the preparation of an arborist report, or
- (c) the Council.

archaeological site means the site of one or more known relics.

arterial road means a road that is the responsibility of the State government to construct and maintain.

automotive services means a building or place used for the fuelling or servicing of motor vehicles involving the sale by retail of petrol and other petroleum products, whether or not the place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) the sale by retail of general merchandise, provided the gross floor area so used does not exceed 150 square metres.

BCA means the *Building Code of Australia* as defined in section 4 (1) of the Act.

bed and breakfast accommodation means an establishment operated by the permanent residents of a dwelling-house which:

- (a) provides temporary accommodation for travellers, and
- (b) offers meals for guests only, and

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- (c) does not accommodate more than 12 persons, and
 - (d) does not have a floor area greater than 300 square metres, and
 - (e) does not contain cooking facilities within guests' rooms for the preparation of meals, and
 - (f) is not used in whole or in part for the permanent or long term accommodation of any person other than the person or persons who normally reside in the dwelling-house, and
 - (g) is contained wholly within the curtilage of the dwelling-house.

boarding house means a building let as lodgings or a hostel, but does not include a motel.

brothel means premises used for carrying out an act or acts of prostitution or any other organised sexual activity, irrespective of whether or not other services are provided such as massage, relaxation therapy, photography or the like.

bulky goods retail outlet means a building or place used for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to and loading facilities at the building or place for use by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include use of a building or place for the sale of foodstuffs or clothing or, in Part 2, a building or place elsewhere defined in this plan.

bush fire prone land has the same meaning as in the Act.

bush fire prone land map has the same meaning as in the Act.

camping ground or caravan park means a place used for placing tents, other temporary accommodation, or movable dwellings for permanent accommodation or for temporary accommodation by tourists.

car repair station means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building, or

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- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

cemetery means a building or place for the burying of deceased people or animals, or both, and may include a chapel, temple or other place of worship used for conducting funeral services.

child care centre means a building or place used or intended for use for the purpose of educating, minding or caring (without provision of residential care) for 6 or more children under 6 years of age, not related to the person so using the building or place, but does not include an educational establishment.

clearing means cutting down, thinning, killing, poisoning, burning, slashing, uprooting or removing, or substantially damaging, native vegetation.

club means a building or place used by persons associated, or a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of the building or place is the premises of a club registered under the *Registered Clubs Act 1976*.

commercial office means a building used as an office for commercial purposes otherwise than in association with an industrial or other commercial or recreational activity on the same site.

commercial premises means a building or place used for general business or commercial purposes, but, in Part 2, does not include a building or place elsewhere defined in this plan.

community facility means a building or place owned or controlled by a public authority or a community group which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but, in Part 2, does not include a building or place elsewhere defined in this plan.

community group means a body of persons having articles of association or a constitution which provides that the group operates on a "not for profit" basis and where the services and facilities of the group are available to the community.

community land has the same meaning as in the *Local Government Act 1993*.

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conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management measures that are appropriate to enable that significance to be retained.

convenience shop means a shop which:

- (a) is situated on a single allotment or parcel of land in the same ownership, and
- (b) has a gross floor area not exceeding 150 square metres, and
- (c) provides convenience goods or services to the local area.

crematorium means a furnace for cremating human corpses and includes a building containing such a furnace and any ancillary chapel or building.

demolition, in relation to a building, work, archaeological site, relic or place means the damaging, defacing, destruction, pulling down or removal of that building, work, archaeological site, relic or place in whole or in part.

development has the same meaning as in the Act.

Note. At the commencement of this plan, development included the following:

- (a) the use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work,
- (e) the demolition of a building or work.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being used, as a separate domicile.

dwelling-house means a building or buildings containing one but not more than one dwelling.

eco-generating works means a building, work or place used for the generation of energy using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land-fill operations.

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eco-tourism facility means an establishment providing holiday accommodation or facilities, or both, and may include a boat shed, boat landing facilities, camping ground, caravan park, convenience shop, holiday cabins, motel, park, water sport facilities or a club used in conjunction with any such activities.

educational establishment means a building used as a school, college, technical college, university, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a child care centre.

electronic communication centre means a building or place used exclusively for the conduct or management of electronic or telephone communications (or both), such as a call centre.

emergency bush fire hazard reduction work means bush fire hazard reduction work carried out to protect persons, property or the environment from an existing or imminent danger arising out of a fire.

emergency fire fighting act means anything done or authorised to be done by a fire fighting authority, during the course of bush fire fighting operations.

emergency response plan means a plan including strategies for flood warning (including the dissemination of information to occupants) and the evacuation of persons, equipment and stock. The plan should be structured to be a parent plan to individual site plans for affected individual sites.

environmental facility means a building, work or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means any work associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion rehabilitation works, erosion protection works, dune restoration works, dune protection works and the like.

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exhibition home means a dwelling used on a temporary basis for display purposes associated with the sale of the dwelling and similar dwellings, and may include areas within the dwelling that are used for ancillary purposes, such as a sales office, materials display and the like.

exhibition village means a group of exhibition homes and includes other associated places such as places used for car parking, a sales office, a display centre and the like, and may include ancillary buildings.

existing ground level means the ground level in existence immediately prior to the commencement of proposed building or site works.

exotic tree means a tree that is not locally indigenous.

extractive industry means:

- (a) the winning of extractive material from the site, or
- (b) an undertaking, not being a mine, that depends on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land,

but does not include the winning of extractive material that is required for, ancillary to or associated with the operation of a waste management facility or works.

extractive material means clay, coal, gravel, rock, sand, soil, stone or similar substance, but does not include turf and any sand, soil or other material remaining attached to turf after turf extraction is carried out.

flood work has the same meaning as in the *Water Management Act 2000*.

generating works means a building or place used for the purpose of making or generating gas, electricity, or other forms of energy, but does not include eco-generating works.

goods terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by air, rail, road or waterborne vessels, and includes facilities for the loading and unloading of vehicles and vessels used to transport those goods and for the parking, servicing and repair of those vehicles or vessels.

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height means the height of a building or structure measured from existing ground level to the uppermost point of the building or structure (excluding antennae, satellite dishes, masts, flagpoles and the like).

helipad means a place used for the occasional landing and taking off of helicopters, and which does not provide for commercial aviation or other facilities such as a terminal.

heliport means a place, whether open to the public or not, used for the taking off and landing of helicopters on a commercial basis, whether or not it includes a terminal building or facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land that is shown edged with a heavy black broken line on the zoning map and described in Part 2 of Schedule 6.

heritage impact statement means a document prepared by a suitably qualified person consisting of:

- (a) a statement addressing the heritage significance of a particular heritage item or heritage conservation area, or of a building, work, archaeological site, relic, tree or place within a heritage conservation area, and
- (b) an assessment of the impact that the proposed development will have on that heritage significance, and
- (c) recommendations for appropriate measures to minimise that impact.

heritage item means:

- (a) a building, work, archaeological site or place specified in the inventory of heritage items included in Part 1 of Schedule 6, or
- (b) a place described in the National Parks and Wildlife Service Sites Register as a place of Aboriginal heritage significance.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value to the community of the City of Newcastle.

home employment means an occupation which is carried out in a dwelling, or within the curtilage of a dwelling, by the permanent residents of the dwelling, and which does not involve:

- (a) the employment of more than one additional person who does not permanently reside in the dwelling, or

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- (b) the exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (d) the display of goods, whether in a window or otherwise, or
 - (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling, or within the curtilage of the dwelling, to indicate the name and occupation of the resident), or
 - (f) the use of the premises for the carrying out of an act or acts of prostitution.

home workplace means an activity carried out within a dwelling or within the curtilage of a dwelling, occupied by at least one of the people carrying out the activity or on land adjoining the land on which the dwelling is situated which is in the same ownership, and which does not involve:

- (a) the employment of more than three additional persons that do not permanently reside in the dwelling, or
- (b) the exposure to view from any adjacent premises or from any public place of any unsightly matter, or
- (c) the offering for sale of any goods other than goods which have been either produced on the site of the activity or relate directly to the activities taking place on the site, or
- (d) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling, or within the curtilage of the dwelling, to indicate the name and occupation of the resident), or
- (f) the use of more than one third of the area of the building or buildings on the land or 50 square metres for the activity, whichever is the lesser, or
- (g) the use of the premises for carrying out an act or acts of prostitution.

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hospital means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and may include:

- (a) a nursing home, or
- (b) offices for administration, or
- (c) accommodation for staff and visitors, or
- (d) associated education or research facilities.

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* applies.

industrial ecology means interactive relationships between industries aimed at optimising the use of energy and resources and minimising pollution and waste in such a manner that the raw materials used and the waste products produced by industries and other development progressively achieve a closed cycle.

industry means:

- (a) any manufacturing process, or
- (b) the breaking up, dismantling, servicing or processing of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not include an extractive industry or a waste management facility or works.

injuring, in relation to a tree, means:

- (a) lopping and topping, or
- (b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone, or
- (c) cutting and tearing of branches and roots that is not carried out in accordance with arboricultural practices that are generally accepted to promote the health of the tree, and does not qualify as pruning, or
- (d) ringbarking, scarring the bark when operating machinery, fixing objects (eg signs) by nails, staples or wire, using tree climbing spikes on healthy trees marked for retention (except

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for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches, or

- (e) damaging the tree's root zone by compaction, excavation or asphyxiation (including filling or stockpiling of materials), or
- (f) underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

institution means:

- (a) a residential centre for persons who are within the target group, within the meaning of the *Disability Services Act 1993*, or
- (b) a hospital within the meaning of the *Mental Health Act 1990*, or
- (c) a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999*, or
- (d) a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

intensive agriculture means a form of agriculture, comprising intensive livestock, horticultural or aquaculture enterprises such as turf farms, hydroponics green houses, piggeries, cattle feed lots, poultry farms or the like, which require particular treatment or practices for the management of wastes (including faeces or other by-products).

Landscape Structure Plan means the *Landscape Structure Plan* published by Newcastle City Council in 1990.

light industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not unreasonably interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage or wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

local shop means a shop:

- (a) that has a gross floor area not greater than 3,000 square metres, and

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- (b) that is not a convenience shop, bulky goods retail outlet or sex aid establishment.

locally indigenous, in relation to a tree or other vegetation, means being of a species that existed in, or on land in the vicinity of, the lower Hunter Region before European settlement.

lower Hunter Region means land within the cities of Greater Cessnock, Lake Macquarie, Maitland and Newcastle and the local government area of Port Stephens.

low impact facility means telecommunication devices declared to be low impact facilities under the *Telecommunications (Low Impact Facilities) Determination 1997* of the Commonwealth.

maintenance means minor works involving a heritage item or a building within a heritage conservation area. It includes the ongoing protective care of a heritage item or a building, work, archaeological site, relic, tree or place within a heritage conservation area, and minor works not likely to detract from heritage significance. It does not include alterations involving the introduction of new materials or technology or alterations which would significantly change the appearance of the heritage item, building or work.

managed bush fire hazard reduction work means bush fire hazard reduction work that is carried out in accordance with a bush fire risk management plan.

marina means a permanent multiple boat storage facility located on a waterway with support facilities on an adjoining area of land or the waterway, and includes any multiple mooring managed in association with the facility and in its vicinity, and any associated boat sales, storage, dry boat storage or servicing facilities.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by use of which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated.

motel means a building or buildings (other than a hotel, brothel, boarding-house or urban housing) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

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motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or also displayed there.

native vegetation means all plant species indigenous to the lower Hunter Region.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during the hatchery or depuration phases).

Newcastle Urban Strategy means the publication so titled, published by Newcastle City Council in 1998, in two volumes, The Strategy, ISBN 0-909115-67-2 and Background Report, ISBN 0-909115-68-0.

operational land has the same meaning as in the *Local Government Act 1993*.

passenger terminal means any building or place used for the assembly and dispersal of passengers, whether conveyed by road, rail or water-borne vessels, but does not include a bus stop on a public road.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people (it may include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening groves), or
- (b) a natural Aboriginal sacred site or other sacred feature (may include natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance and specified in the National Parks and Wildlife Service Sites Register).

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building or place of a like character used as such and whether used for the purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

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place of worship means a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for ancillary administration, youth clubs, counselling, social events or religious training by a congregation or religious group.

planning flood level means the free water surface level of a flood with a nominated probability of occurrence or annual exceedance probability (***AEP***) adopted for the purposes of allowing particular forms of land use or other development above that level.

plant nursery means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold there.

pond-based aquaculture means intensive aquaculture undertaken predominantly in ponds, raceways, or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but does not include natural water-based aquaculture.

port means a building or place used for:

- (a) the loading of goods or materials onto ships and the unloading of goods or materials from ships, or
- (b) the storage of goods that are mainly to be loaded onto ships in its immediate vicinity or that have mainly been unloaded from ships.

potential acid sulphate soils means soil material which is waterlogged and contains oxidisable sulphur compounds and that has a field pH of 4.0 or more but will become acidic when oxidised.

Potential Acid Sulphate Soils Planning Map means a map in the series of maps marked "Potential Acid Sulphate Soils" kept in the offices of the Department.

pruning means cutting branches from a tree in a planned and systematic manner that is carried out in accordance with Australian Standard AS 4373—1996, *Pruning of amenity trees*.

public authority has the same meaning as in the Act.

quality of life means individuals' perceptions of their position in life, in the context of cultural and value systems in which they live and in relation to their goals, expectations, standards and concerns.

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recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities and sporting facilities, or
- (c) an area used by the Council to provide facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons,

and includes any associated buildings or structures used for spectator accommodation, change rooms, meeting rooms, refreshment facilities and the like.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

relic means:

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

remove, in relation to a tree, means cut down, fell, destroy, kill, transplant or uproot a tree.

restaurant means a building or place the principal purpose of which is the provision of meals for consumption on or off the premises.

roadside stall means a building or place not exceeding 20 square metres in floor space or area where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

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serviced apartments means a building or buildings containing two or more dwellings let as short term residential accommodation and which are cleaned daily or otherwise serviced or maintained by the owner or manager of the building or the owner's or manager's agent, but does not include a brothel.

sex aid establishment means any premises used solely or principally for the purpose of offering or exposing for sale by wholesale, mail order or retail, all or any of the following items:

- (a) publications that are classified Category 1 Restricted, Category 2 Restricted or RC (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth,
- (b) materials, compounds, preparations or devices which are used or intended to be used in or in connection with sexual activity,

and includes sex shops, sex aid shops, adult bookshops and the like.

sexual entertainment establishment means any premises used solely or principally for the purpose of presenting entertainment of an overtly erotic nature, including peep shows, strip tease shows, live sex shows, pornographic movies and the like.

shop means a building or place that is used for the purpose of the selling by retail, or hiring or displaying for the purpose of selling or hiring, of items (whether goods or materials) but, in Part 2, does not include a convenience shop, bulky goods retail outlet, local shop or a sex aid establishment.

site audit statement has the same meaning as in Part 4 of the *Contaminated Land Management Act 1997*.

State significance, in relation to a heritage item, means a heritage item which is identified as being of State significance in Schedule 6.

subdivision has the same meaning as in the Act.

tank-based aquaculture means intensive aquaculture undertaken exclusively in tanks, but does not include natural water-based aquaculture.

telecommunications carrier means the holder of a carrier licence under the *Telecommunications Act 1997* of the Commonwealth.

telecommunications facility has the same meaning as **facility** in the *Telecommunications Act 1997* of the Commonwealth.

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Part 6

telecommunications network has the same meaning as in the *Telecommunications Act 1997* of the Commonwealth.

the Act means the *Environmental Planning and Assessment Act 1979*.

the Council means the Council of the City of Newcastle.

transport depot means a building or place used for the storage, servicing, maintenance and fuelling of trucks, tow trucks, buses, aircraft and the like.

tree means a palm or a woody perennial plant greater than 3 metres in height or 3 metres in canopy width.

tree worker means a trades person who holds the Australian Qualifications Framework Certificate III Horticulture (Arboriculture) or an international qualification considered equivalent by the Council.

urban centre means a commercial or business activity centre and includes the Newcastle City Centre, district centres and local centres as described in the *Newcastle Urban Strategy*.

urban housing means a building or buildings comprising two or more dwellings.

utility undertaking means:

- (a) any of the following undertakings carried on or permitted or suffered to be carried on by, or by authority of, any government department or under the authority of, or in pursuance of, any Commonwealth or State Act:
 - (i) railway, road transport, water transport, air transport, wharf or river undertakings,
 - (ii) undertakings for the supply of water, hydraulic power, electricity or gas or the provisions of sewerage or drainage,
 - (iii) the provision of a telecommunications network or facility by a telecommunications carrier,
- (b) a private undertaking of a kind similar to any of those described in paragraph (a) (ii), carried on by a person other than a public authority,

and a reference to a person carrying on a utility undertaking includes a reference to a council, county council, or government department, corporation, firm or authority carrying on the undertaking.

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Part 6 Definitions

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale or distribution to persons engaged in the retail trade.

waste management facility or works means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It includes but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

wetland means any shallow body of water (such as a marsh, billabong, swamp or sedgeland) that is:

- (a) inundated cyclically, intermittently or permanently with water, and
- (b) vegetated with wetland plant communities.

zoning map means the set of maps identified as “Newcastle Local Environmental Plan 2003—Zoning Map”, as amended by the maps marked as follows:

- (2) The terms **hazardous industry**, **hazardous storage establishment**, **offensive industry** and **offensive storage establishment** have the same meanings as in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.
- (3) In this plan, a reference to a map is to a map held at the office of the Council.

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Exempt development

Schedule 1

Schedule 1 Exempt development

(Clause 10)

Column 1	Column 2
Development	Development standards and other requirements
Access ramps	
Construction of an access ramp suitable for use by persons with a disability into a building and use of the ramp for access.	<p>Siting</p> <ul style="list-style-type: none"> • Wholly within the boundaries of the allotment. • At least 0.9 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse.
	<p>Dimensions</p> <ul style="list-style-type: none"> • Maximum height of 1 metre above existing ground level. • Maximum grade of 1:14 and otherwise in compliance with Australian Standard AS 1428.1—2001, <i>Design for access and mobility—General requirements for access—New building work</i>.
	<p>Heritage</p> <ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it, and is not within a heritage conservation area.
	<p>Bush fire</p> <ul style="list-style-type: none"> • The development is carried out on land that is not bush fire prone land.

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Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
Air conditioning units		
Installation and use of an external air conditioning unit ancillary to a dwelling.	Siting	<ul style="list-style-type: none"> At least 3 metres from any property boundary.
	Noise	<ul style="list-style-type: none"> Not audible inside the interior of any adjoining dwelling between 10.00pm and 7.00am on weekdays, and between 10.00pm and 8.00am on Saturdays, Sundays and public holidays. At all other times, noise levels not to exceed 5dBA above ambient background noise level measured at the allotment boundary.
	Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it, and is not within a heritage conservation area.

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Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
<p>Ancillary works external to a building</p>	
<p>Carrying out of landscaping, gardening, paving, driveways, pathways, drainage, filling, excavation, erosion and sedimentation control works, pollution control works or laying or repairing underground services that is ordinarily incidental or ancillary to the use of the land, where that use:</p> <p>(a) has been permitted by a current development consent or complying development certificate, or</p> <p>(b) is a lawful existing use (as defined in section 106 of the <i>Environmental Planning and Assessment Act 1979</i>).</p> <p>Use of those works and services after that development has been carried out in accordance with this item.</p>	<p>Siting</p> <ul style="list-style-type: none"> • Filling or excavation is located at least 0.9 metre from any property boundary. <p>Trees</p> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. <p>Dimensions</p> <ul style="list-style-type: none"> • Maximum excavation depth of 0.5 metre below existing ground level (excluding temporary excavations for underground services). • Maximum filling height of 0.5 metre above existing ground level. • Maximum area for excavation, filling or paving of 50 square metres. <p>Paving</p> <ul style="list-style-type: none"> • The percentage of the allotment area that comprises surfaces permeable to rainwater is at least 20 per cent. <p>Water pollution</p> <ul style="list-style-type: none"> • Adequate measures are carried out to prevent sediment or other pollutants from entering drains or watercourses.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	<p data-bbox="687 712 826 739">Stormwater</p> <ul data-bbox="874 712 1273 965" style="list-style-type: none"> <li data-bbox="874 712 1273 772">• Works not to restrict the flow of stormwater or floodwaters. <li data-bbox="874 779 1273 898">• Overland stormwater flow not directed to dwellings, garages or adjoining properties. <li data-bbox="874 904 1273 965">• Works not to restrict access to stormwater pipelines. <p data-bbox="687 994 831 1021">Public roads</p> <ul data-bbox="874 994 1273 1144" style="list-style-type: none"> <li data-bbox="874 994 1273 1144">• Works carried out within a public road have been approved by the Council or other relevant roads authority under the <i>Roads Act 1993</i>. <p data-bbox="687 1173 788 1200">Heritage</p> <ul data-bbox="874 1173 1273 1265" style="list-style-type: none"> <li data-bbox="874 1173 1273 1265">• The development is carried out on land that does not have a heritage item situated on it.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
Ancillary works on public roads	
<p>Construction and use of footpaths, footpath crossings, kerb crossings and stormwater drainage connections for a dwelling-house where use of the dwelling-house:</p> <p>(a) has been permitted by a current development consent or complying development certificate, or</p> <p>(b) is an existing use (as defined in section 106 of the <i>Environmental Planning and Assessment Act 1979</i>).</p>	<p>Public roads</p> <ul style="list-style-type: none"> Works carried out within a public road have been approved by the Council or other relevant roads authority under the <i>Roads Act 1993</i>. <p>Damage</p> <ul style="list-style-type: none"> Any damage caused to kerb, guttering or footpaths during construction work to be rectified in accordance with Council requirements. <p>Safety</p> <ul style="list-style-type: none"> Land within a public road or public reserve not to be used for storage of building materials without approval of the Council. <p>Trees</p> <ul style="list-style-type: none"> Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. <p>Water pollution</p> <ul style="list-style-type: none"> Adequate measures are carried out to prevent sediment or other pollutants from entering drains or watercourses.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	<p>Stormwater</p> <ul style="list-style-type: none"> • Works not to restrict the flow of stormwater or floodwaters. • Overland stormwater flow not directed to dwellings, garages or adjoining properties. • Works not to restrict access to stormwater pipelines.
Animal shelters	
Construction and use of aviaries, kennels, hutches, poultry sheds or similar buildings (other than horse stables) used to house domestic animals in association with a lawful dwelling.	<p>Number</p> <ul style="list-style-type: none"> • Maximum of one animal shelter per dwelling. <p>Siting</p> <ul style="list-style-type: none"> • Sited in accordance with clause 17 of, and Schedule 5 to, the <i>Local Government (Orders) Regulation 1999</i>. • Not located between the dwelling and the street alignment. • At least 0.9 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse. • Located so as not to be visible from any public road. <p>Trees</p> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Dimensions</p> <ul style="list-style-type: none"> • Maximum height of 2.4 metres above existing ground level. • Maximum area 10 square metres. <p>Heritage</p> <ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it. <p>Bush fire</p> <ul style="list-style-type: none"> • The development is carried out on land that is not bush fire prone land.
Awnings and canopies	
Construction of canvas, metal or timber weather protection structures over windows or doorways of a dwelling.	<p>Siting</p> <ul style="list-style-type: none"> • Located wholly within the boundaries of the allotment. • Not located between the dwelling and the street alignment. • At least 0.9 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement. <p>Trees</p> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. <p>Dimensions</p> <ul style="list-style-type: none"> • Maximum height of 2.7 metres above existing ground level. • Maximum area of 10 square metres.

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Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
	Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.
	Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.
Barbeques		
Erection and use of barbeques or similar structures used for the outdoor cooking of food.	Siting	<ul style="list-style-type: none"> Not located between the front of a building and the street alignment. At least 0.9 metre from any property boundary. At least 1 metre from any sewer main. Does not encroach on any easement, pipeline or watercourse.
	Trees	<ul style="list-style-type: none"> Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
	Dimensions	<ul style="list-style-type: none"> Maximum height of 1.8 metres above existing ground level. Maximum area of 3 square metres.
	Smoke	<ul style="list-style-type: none"> Exhaust fumes do not create any smoke or odour nuisance within adjoining properties.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Heritage</p> <ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it.
	<p>Bush fire</p> <ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.

Building alterations

Minor non-structural alterations to either the interior or exterior of a building (other than premises used as a hairdressing salon, beauty salon, skin penetration premises or any premises used for the sale, storage or handling of food).

Structure

- Work consists of non-structural alterations such as painting, plastering, cement rendering, attachment of fittings, replacement of doors or windows, replacement of ceiling, wall or floor linings or decorative work, replacement of bathroom, kitchen or laundry fixtures or decorative work.
- Wall, door or window openings not enlarged or reduced.
- Work not to affect the load bearing capacity of any load bearing component of the building.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	<p>Safety</p> <ul style="list-style-type: none"> • Any work involving asbestos cement complies with the WorkCover Authority's <i>Your guide to working with asbestos: safety guidelines and requirements for work involving asbestos</i>, March 2003 and <i>Asbestos: guidelines for licensed asbestos removal contractors</i>. • Paint removal carried out in a manner that prevents possible contamination of air or ground by lead or other toxic compounds. <p>Heritage</p> <ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area. <p>Bush fire</p> <ul style="list-style-type: none"> • The development is carried out on land that is not bush fire prone land.
Change of use—shops and commercial premises	
<p>Different use of a building resulting from a change:</p> <p>(a) from one type of shop to another type of shop, or</p> <p>(b) from one type of commercial premises to another type of commercial premises.</p>	<p>Current use</p> <ul style="list-style-type: none"> • The current use of the premises: <ul style="list-style-type: none"> (a) is allowed by a development consent, and (b) is not an existing use as defined in section 106 of the <i>Environmental Planning and Assessment Act 1979</i>.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Proposed use</p> <ul style="list-style-type: none"> • The proposed use of the premises does not comprise any of the following: <ul style="list-style-type: none"> (a) premises for the sale, storage or handling of food, (b) hairdressing or beauty salons, (c) premises for ear piercing, tattooing or other skin-penetrating activities, (d) a brothel, (e) premises used for the sale or display of publications or objects primarily concerned with sexual activity.
	<p>Floor area</p> <ul style="list-style-type: none"> • The proposed use does not involve any increase in floor area.
	<p>Operation</p> <ul style="list-style-type: none"> • Hours of operation do not extend beyond existing approved hours. • The curtilage of any shop or office is not used for storage or display purposes. • The new use is carried out in accordance with any conditions of a current development consent relating to the site, including car parking, loading, vehicular movement, traffic generation, waste management, hours of operation, noise, and site landscaping.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2				
Development	Development standards and other requirements				
<p>Clearing of native vegetation</p> <p>The clearing of native vegetation, other than trees, with the written agreement of the owner of the property on which the native vegetation is situated.</p> <p>Note. See definition of <i>native vegetation</i> in clause 37.</p>	<table border="0"> <tr> <td data-bbox="679 801 815 864">Threatened species</td> <td data-bbox="868 801 1267 1357"> <ul style="list-style-type: none"> • The clearing does not involve native vegetation that is or that comprises part of a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. • Consent is not required by the <i>Native Vegetation Conservation Act 1997</i> or a regional vegetation management plan made under that Act. </td> </tr> <tr> <td data-bbox="679 1384 775 1415">General</td> <td data-bbox="868 1384 1267 1796"> <ul style="list-style-type: none"> • One or more of the following circumstances apply: <ol style="list-style-type: none"> (a) Plantings—the clearing involves native vegetation planted for forestry, agriculture, agroforestry, woodlot or horticultural purposes and established in accordance with the <i>Plantations and Reafforestation Act 1999</i>. </td> </tr> </table>	Threatened species	<ul style="list-style-type: none"> • The clearing does not involve native vegetation that is or that comprises part of a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. • Consent is not required by the <i>Native Vegetation Conservation Act 1997</i> or a regional vegetation management plan made under that Act. 	General	<ul style="list-style-type: none"> • One or more of the following circumstances apply: <ol style="list-style-type: none"> (a) Plantings—the clearing involves native vegetation planted for forestry, agriculture, agroforestry, woodlot or horticultural purposes and established in accordance with the <i>Plantations and Reafforestation Act 1999</i>.
Threatened species	<ul style="list-style-type: none"> • The clearing does not involve native vegetation that is or that comprises part of a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. • Consent is not required by the <i>Native Vegetation Conservation Act 1997</i> or a regional vegetation management plan made under that Act. 				
General	<ul style="list-style-type: none"> • One or more of the following circumstances apply: <ol style="list-style-type: none"> (a) Plantings—the clearing involves native vegetation planted for forestry, agriculture, agroforestry, woodlot or horticultural purposes and established in accordance with the <i>Plantations and Reafforestation Act 1999</i>. 				

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Exempt development

Schedule 1

Column 1	Column 2	
Development	Development standards and other requirements	
	(b)	Approved development —development consent has been granted for clearing of other native vegetation identified for removal on a development plan.
	(c)	Fire hazard —the native vegetation is or is part of a fire hazard identified in accordance with an approved fire management plan under the <i>Rural Fires Act 1997</i> .
Decks, verandahs and patios	Siting	<ul style="list-style-type: none"> • Not located forward of the front alignment of the existing dwelling. • Located wholly within the boundaries of the allotment. • At least 0.9 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse.
Erection and use of decks, verandahs, patios or similar structures that provide an outdoor extension to a dwelling-house.	Trees	<ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	<p data-bbox="687 703 820 734">Dimensions</p> <ul data-bbox="874 703 1273 965" style="list-style-type: none"> <li data-bbox="874 703 1273 801">• Maximum roof height of 2.7 metres above existing ground level. <li data-bbox="874 801 1273 900">• Maximum floor level of 1 metre above existing ground level. <li data-bbox="874 900 1273 965">• Maximum area of 10 square metres. <p data-bbox="687 987 788 1019">Heritage</p> <ul data-bbox="874 987 1273 1144" style="list-style-type: none"> <li data-bbox="874 987 1273 1144">• The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area. <p data-bbox="687 1167 794 1198">Bush fire</p> <ul data-bbox="874 1167 1273 1267" style="list-style-type: none"> <li data-bbox="874 1167 1273 1267">• The development is carried out on land that is not bush fire prone land.
Demolition of minor structures	<p data-bbox="304 1375 667 1473">Demolition of garages, carports, or any building the erection of which is exempt development.</p> <p data-bbox="687 1375 762 1406">Safety</p> <ul data-bbox="874 1375 1273 1496" style="list-style-type: none"> <li data-bbox="874 1375 1273 1496">• Demolition work complies with Australian Standard AS 2601—2001, <i>Demolition of structures</i>. <p data-bbox="687 1518 788 1550">Heritage</p> <ul data-bbox="874 1518 1273 1671" style="list-style-type: none"> <li data-bbox="874 1518 1273 1671">• The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
Development in a cemetery or burial ground	
<p>Development involves:</p> <p>(a) creation of a new grave or monument, or</p> <p>(b) an excavation or disturbance of land for the purpose of carrying out the conservation or repair of monuments or grave markers.</p>	<p>Heritage</p> <ul style="list-style-type: none"> No disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance.
Fences	
<p>Erection of fences (other than swimming pool fences subject to the <i>Swimming Pools Act 1992</i>).</p>	<p>Trees</p> <ul style="list-style-type: none"> Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. <p>Dimensions</p> <ul style="list-style-type: none"> Maximum height of 1.2 metres above existing ground level if constructed of masonry. Maximum height of 1.2 metres above existing ground level if constructed of timber, metal or lightweight materials along a frontage to a public road or along a side boundary forward of existing buildings.

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Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
	•	Maximum height of 2 metres above existing ground level if constructed of timber, metal or lightweight materials along a rear boundary or a side boundary not forward of existing buildings.
	Stormwater	• Does not restrict or divert the flow of stormwater or floodwaters.
	Heritage	• The development is carried out on land that does not have a heritage item situated on it.
Flagpoles		
Erection and use of flagpoles.	Siting	• Located clear of any powerlines or other overhead services in accordance with the relevant utility supplier's requirements.
	Trees	• Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
	Dimensions	<ul style="list-style-type: none"> • Maximum height of 6 metres above existing ground level. • Flags suspended from poles projecting over a public road do not project over the carriageway, and must be suspended at least 3.6 metres above pathway level.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Heritage</p> <ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it.
Home occupations	
An occupation, other than prostitution, carried on or within a dwelling by the permanent residents of the dwelling.	<p>Employment</p> <ul style="list-style-type: none"> There is no employment of persons other than residents of the dwelling.
	<p>Local impact</p> <ul style="list-style-type: none"> The occupation does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke or other waste products, or otherwise.
	<p>Signs</p> <ul style="list-style-type: none"> There is no notice, advertisement or sign exhibited on the land (other than a single notice attached to the dwelling indicating the name, occupation and contact details of any resident of the dwelling).
	<p>Retailing</p> <ul style="list-style-type: none"> There is no sale of items, or exposure or offer for sale of items, by retail.

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Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
<p data-bbox="288 712 464 743">Maintenance</p> <p data-bbox="288 779 655 1115">Minor works carried out on heritage items or buildings within heritage conservation areas. Includes ongoing protective care of a heritage item or a building, work, archaeological site, relic, tree or place within a heritage conservation area, and other minor works that do not detract from heritage significance.</p> <p data-bbox="288 1124 655 1176">Note. See definition of <i>maintenance</i> in clause 37.</p>	<p data-bbox="679 779 783 810">Heritage</p> <ul data-bbox="871 779 1267 1176" style="list-style-type: none"> <li data-bbox="871 779 1267 1176">• Extends only to works involved in maintenance of a heritage item or building, work, archaeological site, tree, relic or place within a heritage conservation area and only if the Council has stated in writing it is of the opinion the works would not adversely affect the significance of the heritage item or heritage conservation area.

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Exempt development

Schedule 1

Column 1	Column 2								
Development	Development standards and other requirements								
Pergolas, trellises									
Erection of pergolas, trellises or other open-sided and open-roofed structures of a similar nature used in association with the occupation of a dwelling.	<table border="0"> <tr> <td style="vertical-align: top;">Siting</td> <td> <ul style="list-style-type: none"> • Not located between the dwelling and the street alignment. • Located so as not to be visible from any public road. • Located wholly within the boundaries of the allotment. • At least 0.6 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse. </td> </tr> <tr> <td style="vertical-align: top;">Trees</td> <td> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. </td> </tr> <tr> <td style="vertical-align: top;">Dimensions</td> <td> <ul style="list-style-type: none"> • Maximum height of 2.4 metres above existing ground level. • Maximum area of 20 square metres. </td> </tr> <tr> <td style="vertical-align: top;">Structure</td> <td> <ul style="list-style-type: none"> • The structure has no enclosing walls, but may be covered with shade cloth, open battens or lattice. </td> </tr> </table>	Siting	<ul style="list-style-type: none"> • Not located between the dwelling and the street alignment. • Located so as not to be visible from any public road. • Located wholly within the boundaries of the allotment. • At least 0.6 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse. 	Trees	<ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. 	Dimensions	<ul style="list-style-type: none"> • Maximum height of 2.4 metres above existing ground level. • Maximum area of 20 square metres. 	Structure	<ul style="list-style-type: none"> • The structure has no enclosing walls, but may be covered with shade cloth, open battens or lattice.
Siting	<ul style="list-style-type: none"> • Not located between the dwelling and the street alignment. • Located so as not to be visible from any public road. • Located wholly within the boundaries of the allotment. • At least 0.6 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse. 								
Trees	<ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. 								
Dimensions	<ul style="list-style-type: none"> • Maximum height of 2.4 metres above existing ground level. • Maximum area of 20 square metres. 								
Structure	<ul style="list-style-type: none"> • The structure has no enclosing walls, but may be covered with shade cloth, open battens or lattice. 								

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Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
	Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.
	Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.
Public events		
Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes, and the erection of temporary structures associated with such events.	Site	<ul style="list-style-type: none"> Proposed event is consistent with any applicable plan of management under the <i>Local Government Act 1993</i> for the land.
	Approval	<ul style="list-style-type: none"> Use of structure has been approved by the Council under Chapter 7 of the <i>Local Government Act 1993</i> (as a temporary structure, place of public entertainment or both). Works carried out within a public road have been approved by the Council or other relevant roads authority under the <i>Roads Act 1993</i>. Note. An application to <i>Carry out Works in a Public Road</i> must be submitted. Development is carried out in accordance with a licence or hire agreement with the Council.
	Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.

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Exempt development

Schedule 1

Column 1	Column 2	
Development	Development standards and other requirements	
Recladding		
Replacement and repair of wall or roof cladding.	Materials	<ul style="list-style-type: none"> • Existing cladding is replaced with similar materials. • Replacement wall cladding does not consist of concrete or masonry materials.
	Siting	<ul style="list-style-type: none"> • Wall cladding on dwelling-houses is at least 0.9 metre from any property boundary. • Wall cladding on garages, sheds or other outbuildings is at least 0.6 metre from any property boundary. • Wall cladding on buildings other than dwelling-houses or outbuildings is at least 3 metres from any property boundary.
	Safety	<ul style="list-style-type: none"> • Any work involving asbestos complies with the WorkCover Authority's <i>Your guide to working with asbestos: safety guidelines and requirements for work involving asbestos</i>, March 2003 and <i>Asbestos: guidelines for licensed asbestos removal contractors</i>. • Paint removal is carried out in a manner that prevents possible contamination of air or ground by lead or other toxic compounds.

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Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
	Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.
Removal or pruning of trees		
<p>Removal or pruning of a tree with the written agreement of the owner of the property on which the tree is situated. Including on land that is below the level corresponding to 0.5 metre above the 1% annual exceedance probability flood level. Any tree removal or pruning in accordance with the <i>Electricity Supply (General) Regulation 2001</i>.</p> <p>Note 1. See definitions of removal and pruning in clause 37.</p> <p>Note 2. Under section 138 (1) (c) of the <i>Roads Act 1993</i>, a person must not remove or interfere with a tree on a public road, otherwise than with the consent of the appropriate roads authority.</p>	Threatened species	<ul style="list-style-type: none"> The removal or pruning does not involve a tree that is or that comprises part of a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>.
	Heritage	<ul style="list-style-type: none"> The tree is not listed on the National Trust Register of Significant Trees or as a heritage item in Schedule 6.
	General	<ul style="list-style-type: none"> The tree is removed in one operation, with any remaining stump to be no higher than 1.4 metres.

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Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<ul style="list-style-type: none"> • One or more of the following circumstances apply: <ul style="list-style-type: none"> (a) Species—The tree is one of the following species: <ul style="list-style-type: none"> (i) <i>Acacia baileyana</i> (Cootamundra Wattle), (ii) <i>Acacia salignus</i> (Golden Wreath Wattle), (iii) <i>Ailanthus altissima</i> (Tree of Heaven), (iv) <i>Albizia lophantha</i> (Albizia), (v) <i>Chamaecytisus palmensis</i> (Tree Lucerne, Tagasaste), (vi) <i>Chrysanthemoides monolifera</i> (Bitou Bush), (vii) <i>Cinnamomum camphora</i> (Camphour Laurel)—except if the tree height exceeds 10 metres or the trunk diameter at 1.4m exceeds 450mm,

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Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	(viii) <i>Citrus</i> spp (Citrus),
	(ix) <i>Cotoneaster</i> spp (Cotoneaster),
	(x) <i>Erythrina</i> x <i>sykesii</i> (Coral Tree),
	(xi) <i>Ficus elastica</i> (Rubber Tree),
	(xii) <i>Gleditsia triacanthos</i> (Honey Locust)—but not grafted horticultural varieties,
	(xiii) <i>Ligustrum</i> spp (Privet),
	(xiv) <i>Nerium oleander</i> (Oleander),
	(xvi) <i>Pyracantha</i> spp (Firethorn),
	(xv) <i>Robinia pseudoacacia</i> (Robinia)—but not grafted horticultural varieties,
	(xvii) <i>Salix</i> spp (Willow),
	(xviii) <i>Schefflera actinophylla</i> (Umbrella Tree),
	(xix) <i>Schinus terebinthifolius</i> (Brazilian Mastic Tree),
	(xx) <i>Syagrus romanzoffianum</i> (Cocos Palm),
	(xxi) any species listed as noxious under the <i>Noxious Weeds Act 1993</i> .

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>(b) Fire hazard—The tree is or is part of a fire hazard identified in accordance with an approved fire management plan under the <i>Rural Fires Act 1997</i>.</p> <p>(c) Removal of dead wood—The pruning involves removal of dead wood only in accordance with Australian Standard AS 4373—1996, <i>Pruning of amenity trees</i>.</p> <p>(d) Dead trees—The tree is dead and does not provide habitat for hollow-dependent fauna.</p> <p>(e) Buildings—Either:</p> <p>(i) the pruning involves the removal of dead wood and branches of up to 150mm in diameter directly overhanging the roof of the principal building on the land or the adjacent land, or</p> <p>(ii) the tree is located within 3 metres of the wall of the principal building on the land or on the adjacent land (measured from the closest point of the trunk to the footings of the building), excluding carports and pergolas, fences, retaining walls and the like.</p>

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
Retaining walls	<ul style="list-style-type: none"> • Domestic power lines—The pruning involves only such branches as are necessary to maintain a minimum clearance of 500mm from domestic power lines or telecommunication lines. • Plan of management—The removal of a tree or trees is provided for in a plan of management adopted by the Council in respect of community land under the <i>Local Government Act 1993</i>.
Erection of retaining walls.	<p>Siting</p> <ul style="list-style-type: none"> • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse. • Outer face is at least 0.9 metre from any property boundary. <p>Trees</p> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development. <p>Dimensions</p> <ul style="list-style-type: none"> • Maximum height of 1 metre above existing ground level. <p>Structure</p> <ul style="list-style-type: none"> • Does not provide structural support to any building.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Stormwater • Does not restrict the flow of stormwater or floodwaters.</p> <p>Heritage • The development is carried out on land that does not have a heritage item situated on it.</p> <p>Bush fire • The development is carried out on land that is not bush fire prone land.</p>
Satellite dishes	
Erection and use of satellite dishes attached to an existing building.	<p>Number • Maximum of one satellite dish per dwelling.</p> <p>Siting • Rear mounted dishes are a maximum height of 2.4 metres above existing ground level or the dish is not visible from a public street.</p> <p>Trees • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.</p> <p>Dimensions • Maximum dish diameter of 1 metre.</p> <p>Heritage • The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.</p>

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
Scaffolding, hoardings		
Erection and use of scaffolding or hoardings.	Siting	<ul style="list-style-type: none"> • Does not encroach on any public road or other public land. • Any encroachment on an adjoining property has been consented to, in writing, by the adjoining property owner.
	Safety	<ul style="list-style-type: none"> • Complies with applicable requirements of the WorkCover Authority.
	Heritage	<ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it.
Sheds, lawn lockers, greenhouses, cubbyhouses, gazebos		
Construction and use of sheds, lawn lockers, greenhouses, cubbyhouses, gazebos or other free-standing structures of a similar nature used in association with the occupation of a dwelling.	Number	<ul style="list-style-type: none"> • Maximum of one such structure per dwelling.
	Siting	<ul style="list-style-type: none"> • Not located between the dwelling and the street alignment. • Located wholly within the boundaries of the allotment. • At least 0.6 metre from any property boundary. • At least 1 metre from any sewer main. • Does not encroach on any easement, pipeline or watercourse.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
Trees	<ul style="list-style-type: none"> Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
Dimensions	<ul style="list-style-type: none"> Maximum height of 2.4 metres above existing ground level. Maximum area of 7 square metres.
Stormwater	<ul style="list-style-type: none"> Does not restrict the flow of stormwater or floodwaters.
Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it.
Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
Signs—business identification		
Erection of business identification signs in association with shops, industries or commercial premises. Does not include free-standing signs erected within a public road or footway.	Number	• Maximum of one sign per premises.
	Siting	• Signs suspended from a building over a public road must be at least 0.6 metre from the vertical projection of the kerb line, and at least 2.6 metres above existing ground level.
	Trees	• Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
	Dimensions	• Maximum area of 1 square metre.
	Heritage	• The development is carried out on land that does not have a heritage item situated on it.
Signs—public		
Signs comprising name plates, directional signs, advance traffic warning signs, community information signs and law enforcement signs that are erected by the Council or other public authorities.	Siting	• Signs erected over a public road must be at least 0.6 metre from the vertical projection of the kerb line, and suspended at least 2.6 metres above existing ground level.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
	<p>Urban design</p> <ul style="list-style-type: none"> • Placement and design is consistent with any applicable development control plan relating to urban design issues.
Solar and wind energy generating works	
Installation and use of generating works and water heaters used for the purpose of collecting solar or wind energy.	<p>Siting</p> <ul style="list-style-type: none"> • Not located between the front of a building and the street alignment. • Does not direct glare into the windows of nearby buildings. • Roof-mounted solar panels are aligned parallel to the roof plane.
	<p>Trees</p> <ul style="list-style-type: none"> • Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
	<p>Dimensions</p> <ul style="list-style-type: none"> • Maximum height of 2.7 metres above existing ground level, except where mounted to an existing building or structure.
	<p>Capacity</p> <ul style="list-style-type: none"> • Maximum generating capacity of 5 kilowatts for a photovoltaic array. • Maximum generating capacity of 2 kilowatts for wind turbines.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2
Development	Development standards and other requirements
	<p>Noise control</p> <ul style="list-style-type: none"> Noise emissions from wind turbines are not audible inside the interior of any adjoining dwelling between 10.00pm and 7.00am on weekdays, and between 10.00pm and 8.00am on Saturdays, Sundays and public holidays. At all other times, noise levels must not exceed 5dBA above ambient background noise level measured at the allotment boundary. <p>Heritage</p> <ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it.
Water tanks	
Installation and use of above-ground water tanks.	<p>Number</p> <ul style="list-style-type: none"> Maximum of one tank per dwelling. <p>Siting</p> <ul style="list-style-type: none"> Not located between the dwelling and the street alignment. Located wholly within the boundaries of the allotment. At least 0.6 metre from any property boundary. At least 1 metre from any sewer main. Does not encroach on any easement, pipeline or watercourse.

Newcastle Local Environmental Plan 2003

Exempt development

Schedule 1

Column 1	Column 2
Development	Development standards and other requirements
Trees	<ul style="list-style-type: none"> Consent has been given for any necessary pruning, cutting down, removal or destruction of trees to allow the development.
Dimensions	<ul style="list-style-type: none"> Maximum height of 2.4 metres above existing ground level. Maximum capacity of 5,000 litres.
Connection	<ul style="list-style-type: none"> Is not interconnected with a reticulated water supply provided by the Hunter Water Corporation.
Drainage	<ul style="list-style-type: none"> Overflow is connected to a stormwater drainage system.
Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it.
Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.

Newcastle Local Environmental Plan 2003

Schedule 1 Exempt development

Column 1	Column 2	
Development	Development standards and other requirements	
Works by public authorities		
Construction or installation by a public authority on public land (including a public reserve or public road) of any of the following works or structures: (a) landscaping and artworks, (b) waste or recycling bins, (c) bus and weather shelters, seating and other street furniture, (d) parking meters, (e) cycle racks and lockers, (f) lighting (other than floodlighting of sporting venues), (g) playground equipment, goal posts and other ancillary sporting structures.	Site	<ul style="list-style-type: none"> Works are consistent with any applicable plan of management under the <i>Local Government Act 1993</i>.
	Safety	<ul style="list-style-type: none"> Works are carried out in accordance with applicable requirements of the <i>Occupational Health and Safety Act 2000</i>. Works do not obstruct vision by motorists or pedestrians. Works incorporate appropriate public security measures, such as lighting and visibility.
	Access	<ul style="list-style-type: none"> Provision is made where reasonably practicable for access by persons with a disability.
	Dimensions	<ul style="list-style-type: none"> Maximum height of bus or weather shelters of 3 metres above existing ground level.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Schedule 2 Complying development

(Clause 11)

Column 1	Column 2
Development	Development standards and other requirements
<p>Change of use—shops and warehouses</p>	
<p>Different use resulting from change of use of a building:</p> <ul style="list-style-type: none"> (a) from a shop to an office, or (b) from one type of warehouse to another type of warehouse (but not to premises used for the storage or handling of food). 	<ul style="list-style-type: none"> <p>Current use</p> <ul style="list-style-type: none"> • The current use of the building: <ul style="list-style-type: none"> (a) is allowed by a development consent, and (b) is not an existing use as defined in section 106 of the <i>Environmental Planning and Assessment Act 1979</i>. <p>Floor area</p> <ul style="list-style-type: none"> • The change of use does not involve any increase in floor area. <p>Operation</p> <ul style="list-style-type: none"> • Hours of operation do not extend beyond existing approved hours. • The curtilage of any office is not used for storage or display purposes. • The different use is carried out in accordance with any conditions of a current development consent relating to the site, including car parking, loading, vehicular movement, traffic generation, waste management, hours of operation, noise, and site landscaping.

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2	
Development	Development standards and other requirements	
	Structure	<ul style="list-style-type: none"> • Works are confined to the internal parts of the building.
	BCA	<ul style="list-style-type: none"> • Complies with applicable deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.
	Heritage	<ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it.
Dwelling-houses and associated outbuildings		
Erection (or carrying out) and use of: <ul style="list-style-type: none"> (a) new dwelling-houses, or (b) alterations and additions to existing dwelling-houses, or (c) carports and garages associated with existing dwelling-houses, or (d) other outbuildings ancillary or incidental to an existing dwelling-house (other than swimming pools). 	Site area	<ul style="list-style-type: none"> • The allotment area is at least 450 square metres. • The proposal does not result in more than one dwelling on the allotment. • On land within Zone 2 (a) or 2 (b) that has gravity drainage to a public drainage system.
	Number of storeys	<ul style="list-style-type: none"> • The proposed structure is a single storey building or a ground floor addition to an existing building.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2
Development	Development standards and other requirements
	<p>Streetscape</p> <ul style="list-style-type: none"> • Dwelling-houses facing a public street have at least a front door or window of a habitable room facing the street. • The combined width of all garages or carports facing a public street or accessway is not more than 6 metres, or 40 per cent of the frontage, whichever is the lesser.
	<p>Bulk and scale</p> <ul style="list-style-type: none"> • The height of the underside of the eaves is less than 3.5 metres above existing ground level. • The roof pitch is less than 30 degrees and any openings are flush with the roof pitch. • The floor area of any carport, garage or outbuilding is less than 40 square metres.
	<p>Siting</p> <ul style="list-style-type: none"> • The setback from the front boundary is at least 5 metres, or the average setback distance for existing buildings on adjoining lots, whichever is the lesser. • The external wall of any structure is at least 0.9 metre from a side or rear property boundary.

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2
Development	Development standards and other requirements
	<ul style="list-style-type: none"> • The outside of any eaves or gutter is at least 0.675 metre from a side or rear property boundary. • The structure does not encroach on any easement, pipeline or watercourse. <p data-bbox="678 952 821 985">Solar access</p> <ul style="list-style-type: none"> • The structure complies with guidelines for solar access of a development control plan approved by the Council. Note. See clause 2.7.1 (b) of <i>Newcastle Development Control Plan No 29—Single Dwelling and Dual Occupancy Code</i>. <p data-bbox="678 1232 774 1265">Privacy</p> <ul style="list-style-type: none"> • Windows in a habitable room that allow an outlook to such a window in an adjoining dwelling and are not within 9 metres distance from that window: <ul style="list-style-type: none"> (a) are offset from the edge of one window to the edge of the other by a distance of at least 0.5 metre, or (b) have sill heights of at least 1.5 metres above floor level, or (c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2
Development	Development standards and other requirements
Earthworks	<ul style="list-style-type: none"> The combined height of cut or fill at any point (measured in relation to existing ground level) is less than 1 metre.
Car parking	<ul style="list-style-type: none"> At least one car parking space is provided per new dwelling.
Landscaping	<ul style="list-style-type: none"> The percentage of the allotment area comprising surfaces that are permeable to rainwater is at least 20 per cent.
Energy	<ul style="list-style-type: none"> The dwelling has at least a 3.5 star rating under <i>Newcastle Development Control Plan No 51—Energy Smart Homes</i> or the <i>Nationwide House Energy Rating Scheme (NatHERS)</i>.
Utilities	<ul style="list-style-type: none"> The allotment is connected to a reticulated sewerage system operated by the Hunter Water Corporation.
Stormwater	<ul style="list-style-type: none"> The development does not restrict the flow of stormwater. The development complies with applicable requirements contained within <i>Newcastle Development Control Plan No 50—Stormwater Management for Development Sites</i>.

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2
Development	Development standards and other requirements
Waste	<ul style="list-style-type: none"> The development complies with applicable requirements contained within <i>Newcastle Development Control Plan No 56—Waste Minimisation</i>.
Heritage	<ul style="list-style-type: none"> The development is carried out on land that does not have a heritage item situated on it and is not within a heritage conservation area.
Trees	<ul style="list-style-type: none"> The development does not involve the removal of a tree identified as significant on the approved subdivision plan.
Bush fire	<ul style="list-style-type: none"> The development is carried out on land that is not bush fire prone land.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2						
Development	Development standards and other requirements						
Removal or pruning of trees							
<p>Removal or pruning of trees that is not exempt development. Including on land that is below the level corresponding to 0.5 metre above the 1% annual exceedance probability flood level.</p> <p>Note 1. See definitions of arborist and tree worker in clause 37.</p> <p>Note 2. Under section 138 (1) (c) of the <i>Roads Act 1993</i>, a person must not remove or interfere with a tree on a public road, otherwise than with the consent of the appropriate roads authority.</p>	<table border="0"> <tr> <td data-bbox="692 777 826 837">Threatened species</td> <td data-bbox="884 777 1279 1106"> <ul style="list-style-type: none"> The removal or pruning does not involve a tree that comprises part of or that is a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. </td> </tr> <tr> <td data-bbox="692 1137 794 1167">Heritage</td> <td data-bbox="884 1137 1279 1283"> <ul style="list-style-type: none"> The tree is not listed on the National Trust Register of Significant Trees and is not listed as a heritage item under Schedule 6. </td> </tr> <tr> <td data-bbox="692 1314 788 1344">General</td> <td data-bbox="884 1314 1279 1722"> <ul style="list-style-type: none"> One or more of the following circumstances apply: <ul style="list-style-type: none"> (a) Risk to life or to property—In the written opinion of an arborist (as defined in this plan), removal is the only reasonable option to avoid a potential threat to life or property, and such removal is undertaken to the minimum extent necessary to manage that threat. </td> </tr> </table>	Threatened species	<ul style="list-style-type: none"> The removal or pruning does not involve a tree that comprises part of or that is a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. 	Heritage	<ul style="list-style-type: none"> The tree is not listed on the National Trust Register of Significant Trees and is not listed as a heritage item under Schedule 6. 	General	<ul style="list-style-type: none"> One or more of the following circumstances apply: <ul style="list-style-type: none"> (a) Risk to life or to property—In the written opinion of an arborist (as defined in this plan), removal is the only reasonable option to avoid a potential threat to life or property, and such removal is undertaken to the minimum extent necessary to manage that threat.
Threatened species	<ul style="list-style-type: none"> The removal or pruning does not involve a tree that comprises part of or that is a threatened species, population or ecological community listed in Schedule 1 or 2 to the <i>Threatened Species Conservation Act 1995</i> or Schedule 4 or 5 to the <i>Fisheries Management Act 1994</i>. 						
Heritage	<ul style="list-style-type: none"> The tree is not listed on the National Trust Register of Significant Trees and is not listed as a heritage item under Schedule 6. 						
General	<ul style="list-style-type: none"> One or more of the following circumstances apply: <ul style="list-style-type: none"> (a) Risk to life or to property—In the written opinion of an arborist (as defined in this plan), removal is the only reasonable option to avoid a potential threat to life or property, and such removal is undertaken to the minimum extent necessary to manage that threat. 						

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2
Development	Development standards and other requirements
	<p>(b) Removal of diseased or dying trees—The application is supported by a report from an independent arborist (as defined in this plan), which identifies the disease or the structural condition (or both) of the tree and confirms that the tree's removal is the only reasonable option having considered all available alternatives.</p> <p>(c) Removal of dead trees providing habitat for hollow-dependent species—Where the tree is dead and provides habitat for hollow-dependent fauna or specified species under the <i>Threatened Species Conservation Act 1995</i> and measures are to be undertaken in consultation with the Council's Tree Management Officer to provide nesting boxes or other replacement habitat.</p>

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2
Development	Development standards and other requirements
	<p>(d) Pruning of trees— The pruning is carried out by or under the direct supervision of a tree worker or arborist (not necessarily independent) and in accordance with a written specification prepared by a tree worker or arborist (not necessarily independent), that specifies one or more types and classes of pruning in accordance with Australian Standard AS 4373—1996, <i>Pruning of amenity trees</i> (with the exception of reduction pruning and pollarding), which is submitted to the Council at least 10 days prior to commencement of the work.</p>
<p>Strata subdivision</p> <p>Subdivision for the purpose of creating a strata scheme under the <i>Strata Schemes (Freehold Development) Act 1973</i> in relation to a building for which an occupation certificate has been issued.</p>	<p>Parking</p> <ul style="list-style-type: none"> • Parking spaces are allocated to units in accordance with the terms of any development consent applying to the premises. • Visitor parking required to be provided under the terms of any development consent applying to the premises is located within common property.

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2
Development	Development standards and other requirements
	<p>Development lots</p> <ul style="list-style-type: none"> The strata plan does not include any development lots, as defined in the <i>Strata Schemes (Freehold Development) Act 1973</i>.
Subdivision	
<p>Subdivision for the purpose of:</p> <p>(a) widening a public road, or</p> <p>(b) adjusting a boundary between lots (that does not result in an increased number of lots), or</p> <p>(c) correcting an encroachment on a lot, or</p> <p>(d) consolidating lots, or</p> <p>(e) a permanent road closure.</p>	<p>Lot size</p> <ul style="list-style-type: none"> The area of any allotment created within Zone 2 (a) or 2 (b) is at least 450 square metres. <p>Setbacks</p> <ul style="list-style-type: none"> Allotment boundaries are located so as to provide a 0.9 metre side boundary setback from existing dwellings. Allotment boundaries are located in relation to buildings other than dwellings so as to comply with applicable deemed-to-satisfy provisions of the <i>Building Code of Australia</i>. <p>Services</p> <ul style="list-style-type: none"> Each allotment has legal access to utility services, whether by disconnection and relocation of existing services or provision of appropriate easements. <p>Road closure</p> <ul style="list-style-type: none"> Land comprising any closed road is to be consolidated with adjoining lots where size of the land would not comply with zone requirements for lot sizes.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2
Development	Development standards and other requirements
	<p>Bush fire</p> <ul style="list-style-type: none"> • The development is carried out on land that is not bush fire prone land.
Swimming pools	
Erection and use of a swimming pool that is ancillary to a dwelling-house.	<p>Lot size</p> <ul style="list-style-type: none"> • The allotment on which the pool is proposed be constructed has an area of at least 450 square metres. <p>Streetscape</p> <ul style="list-style-type: none"> • The pool is not located between the dwelling-house and the street alignment. <p>Bulk and scale</p> <ul style="list-style-type: none"> • All coping or decking around the pool is no more than 0.5 metre above or below existing ground level at any point. <p>Siting</p> <ul style="list-style-type: none"> • The inside edge of the pool is at least 1.5 metres from the side and rear boundaries. • Does not encroach on any easement, Council pipeline or watercourse. <p>Safety</p> <ul style="list-style-type: none"> • All aspects of the structure comply with the <i>Swimming Pools Act 1992</i>.

Newcastle Local Environmental Plan 2003

Schedule 2 Complying development

Column 1	Column 2
Development	Development standards and other requirements
	<p>Noise</p> <ul style="list-style-type: none"> Noise emissions from any filtration equipment or pumps are not audible inside the interior of any adjoining dwelling between 10.00pm and 7.00am on weekdays, and between 10.00pm and 8.00am on Saturdays, Sundays and public holidays. At all other times, noise levels do not exceed 5dBA above ambient background noise level measured at the allotment boundary.
	<p>Landscaping</p> <ul style="list-style-type: none"> The percentage of the allotment area comprising surfaces that are permeable to rainwater is at least 20 per cent.
	<p>Drainage</p> <ul style="list-style-type: none"> The development does not impede existing site drainage or restrict the overland flow of stormwater. Perimeter drainage around the pool is designed so as to direct water away from the adjoining properties.

Newcastle Local Environmental Plan 2003

Complying development

Schedule 2

Column 1	Column 2
Development	Development standards and other requirements
	<ul style="list-style-type: none"> • Wastewater from the swimming pool filtration system discharges to: <ul style="list-style-type: none"> (a) the reticulated sewerage system—in the case of areas sewered by the Hunter Water Corporation, or (b) to a licensed waste treatment system—in the case of unsewered areas. • The development complies with applicable requirements contained within <i>Newcastle Development Control Plan No 50—Stormwater Management for Development Sites</i>.
Heritage	<ul style="list-style-type: none"> • The development is carried out on land that does not have a heritage item situated on it.
Bush fire	<ul style="list-style-type: none"> • The development is carried out on land that is not bush fire prone land.

Newcastle Local Environmental Plan 2003

Schedule 3 Conditions for complying development

Schedule 3 Conditions for complying development

(Clause 12)

Part 1 Conditions for complying development excluding the removal or pruning of trees

1 Compliance with Building Code of Australia

All building work must be carried out in accordance with the deemed-to-satisfy provisions of the *Building Code of Australia*.

2 Prior to commencement

- (1) Prior to commencing work the applicant must appoint a principal certifying authority to carry out the inspections required by these conditions and issue certificates of compliance.
- (2) The principal certifying authority may be either an accredited certifier or Newcastle City Council.
- (3) Two days before the commencement of any work on the site, the applicant must:
 - (a) notify the Council in writing of commencement of work and the appointment of the principal certifying authority (if the principal certifying authority is not the Council, the accredited certifier registration number must be included), and
 - (b) notify the adjoining owners that work will commence.

3 Site management

- (1) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - (a) divert uncontaminated run-off around cleared or disturbed areas,
 - (b) erect and maintain a silt fence to prevent debris escaping into drainage systems or waterways,
 - (c) prevent tracking of sediment by vehicles onto roads,
 - (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Newcastle Local Environmental Plan 2003

Conditions for complying development

Schedule 3

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- (2) Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the proposed building.

Note. Under the *Protection of the Environment Operations Act 1997*, it is an offence to pollute any waters.

4 Inspections

Inspections must be carried out by a person authorised by the principal certifying authority in respect of the following matters:

- (a) erection and maintenance of silt fencing and other appropriate erosion and water quality control measures prior to commencement of any earth works,
- (b) pier holes, pads or bulk piers before concrete is poured,
- (c) trenches with reinforcement steel in position,
- (d) concrete slabs with reinforcement steel in position,
- (e) swimming pool reinforcement steel in position before concrete is poured,
- (f) framework before fixing of internal linings,
- (g) pool fencing before filling the pool with water,
- (h) final inspection before the structure is occupied or on completion of all works.

5 Hours of work

Construction or demolition work that is audible within adjoining premises may be carried out only within the following hours:

- (a) Monday–Friday—7.00am to 6.00pm,
- (b) Saturday—8.00am to 1.00pm,
- (c) Sunday or public holidays—no such work to be carried out.

6 Driveways, footpaths, kerb crossings and stormwater drainage

- (1) Driveways, footpaths, kerb crossings and stormwater drainage must not be constructed within a public road without approval of the Council or other relevant roads authority under the *Roads Act 1993*.
- (2) Any damage caused to kerb, guttering or footpaths during construction work must be rectified in accordance with Council requirements.

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Schedule 3 Conditions for complying development

- (3) Land within a public road or public reserve must not be used for construction purposes or storage of building materials without approval of the Council.

7 Utility connections

Any excavation work within a public road to connect water, sewerage, stormwater, gas or telephone services to the property must be approved by the Council or other relevant roads authority under the *Roads Act 1993*.

8 Drainage easements

Pipework must be constructed in any drainage easement that benefits the allotment and is not already piped.

9 Site amenities

A temporary sanitary service must be provided by the builder to the building site before the commencement of construction work.

10 Builder's details

- (1) Prior to the commencement of construction work, the person acting on the complying development certificate or the principal certifying authority must advise the Council of the builder's name, address, licence number, phone and fax numbers.
- (2) The Council must be immediately informed in writing if a contract is entered into for the work to be undertaken by a different licensee.
- (3) A signboard of minimum area 600 x 450mm must be erected in a conspicuous position at the front of the allotment indicating:
- (a) the name of the owner, the builder (and builder's licence number) and number of the allotment, or
 - (b) the name and permit number of the owner-builder.

11 Swimming pools

- (1) The swimming pool must be enclosed by a minimum 1.2 metres high child-resistant barrier, fitted with a self-closing, self-latching, outwardly opening gate constructed in accordance with the requirements of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 1998*. The barrier is to be erected prior to the placement of any water in the swimming pool.

Newcastle Local Environmental Plan 2003

Conditions for complying development

Schedule 3

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- (2) The occupier of the premises on which the pool is situated must ensure that there is, at all times, maintained in a prominent position in the immediate vicinity of the pool, a sign bearing a notice that contains the words “**Young children should be supervised when using this swimming pool**”, together with details of resuscitation techniques.
 - (3) All wastewater from the swimming pool filtration system must discharge to the reticulated sewerage system in accordance with all requirements of the Hunter Water Corporation.
 - (4) Nuisance must not be caused to the occupiers of adjoining properties by the operation of the filter pump.

12 Demolition

All demolition work must be carried out in accordance with:

- (a) Australian Standard AS 2601—2001, *Demolition of structures*, or
- (b) applicable requirements of the WorkCover Authority.

13 Subdivision

- (1) Any necessary alterations to public utility installations are to be undertaken in accordance with the requirements of both the Council and the relevant public authority prior to the issue of a subdivision certificate.
- (2) An application for a subdivision certificate is to be supported by the submission of a survey plan of subdivision (seven copies) and a section 50 certificate, if relevant, from the Hunter Water Corporation.

14 Replacement tree

Where possible a suitable replacement tree is to be planted within the property for each tree removed.

15 Pruning techniques

Pruning techniques used are to be in accordance with a written specification complying with Australian Standard AS 4373—1996, *Pruning of amenity trees*.

Newcastle Local Environmental Plan 2003

Schedule 3 Conditions for complying development

16 Supervision of pruning works

Pruning work is to be carried out under the direct supervision of a qualified tree worker.

Part 2 Conditions for complying development for removal or pruning of trees

17 Site management

- (1) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - (a) divert uncontaminated run-off around cleared or disturbed areas,
 - (b) erect and maintain a silt fence to prevent debris escaping into drainage systems or waterways,
 - (c) prevent tracking of sediment by vehicles onto roads,
 - (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
- (2) Removal or disturbance of vegetation and topsoil is to be minimised and the area is to be revegetated to the Council's satisfaction immediately after disturbance.

18 Hours of work

Construction or demolition work that is audible within adjoining premises may be carried out only within the following hours:

- (a) Monday–Friday—7.00am to 6.00pm,
- (b) Saturday—8.00am to 1.00pm,
- (c) Sunday or public holidays—no such work to be carried out.

19 Street trees

- (1) Prior to commencement of the works, take all necessary steps including the erection of protective chain link fencing as required, in order to protect street trees and their root systems from disturbance or damage (or both).
- (2) Any damage caused to street trees as a result of the work shall be rectified in accordance with the Council's requirements.

Newcastle Local Environmental Plan 2003

Conditions for complying development

Schedule 3

20 Kerbs, guttering and footpaths

- (1) Any damage caused to kerb, guttering or footpaths as a result of the work shall be rectified in accordance with the Council's requirements.
- (2) Land within a public road or public reserve must not be used for any purpose associated with the work without the prior approval of the Council.

21 Replacement tree

Where practicable, a suitable replacement tree is to be planted within the property for each tree removed.

22 Pruning methods and techniques

Pruning methods and techniques used are to be in accordance with a written specification complying with Australian Standard AS 4373—1996, *Pruning of amenity trees*.

23 Safe work practices

When pruning or removing trees the following are to be complied with:

- (a) Australian Standard AS 4373—1996, *Pruning of amenity trees*,
- (b) the WorkCover Authority's *Code of Practice For The Amenity Tree Industry—No 34*, May 1998.

24 Supervision of pruning works

Pruning work is to be carried out under the direct supervision of a qualified tree worker.

25 Disposal of trees and tree prunings

Trees, prunings and stumps are to be disposed of in an approved waste disposal area or recycled after chipping or grinding, or disposed of as firewood.

26 Inspections

Inspections are required to be carried out by a person authorised by the Principal Certifying Authority in respect of the following matters:

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Schedule 3 Conditions for complying development

- (a) erection and maintenance of silt fencing and other appropriate erosion and water quality control measures prior to commencement of any earth works,
- (b) on completion of all works.

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Utility undertakings that do not require consent

Schedule 4

Schedule 4 Utility undertakings that do not require consent

(Clauses 13 (b) and 14 (m))

1 Railway undertakings

The carrying out of:

- (a) any development required in connection with movement of traffic and goods by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, or
- (b) the erection of buildings for any purpose within the limits of a railway station,

but excluding development involving:

- (c) the construction of a new railway, new railway station or new bridge, or
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings are outside the limits of a railway station, or
- (e) the reconstruction or alteration of railway stations or bridges so as to materially affect their external appearance, or
- (f) the formation or alteration of any means of access to a road, or
- (g) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity or gas undertakings

The carrying out of any of the following development required for the purpose of a water, sewerage, drainage, electricity or gas undertaking:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of plant inside a building,
- (c) the installation or erection of any plant or structures, within the premises of an existing generating station or substation, required in connection with the station or substation,

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Schedule 4 Utility undertakings that do not require consent

- (d) the installation or erection of new or replacement plant or other structures or erections, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings,
 - (e) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- but excluding development involving:
- (f) the erection of buildings, the installation or erection of new or replacement plant or other structures or erections so as to materially affect their design or external appearance of buildings, or
 - (g) the erection of overhead lines for the supply of electricity, (otherwise than in pursuance of any statutory power to provide a supply of electricity), or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brick, or
 - (h) the formation or alteration of any means of access to a road.

3 Port, wharf and river undertakings

The carrying out of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf, or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, excluding development involving:

- (a) the construction of bridges and the erection of any other buildings, or
- (b) the reconstruction or alteration of existing bridges or buildings so as to materially affect their design or external appearance, or
- (c) the formation or alteration of any means of access to a road.

4 Air transport undertakings

The carrying out of any development required in connection with the movement of traffic and goods by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, excluding development involving:

Newcastle Local Environmental Plan 2003

Utility undertakings that do not require consent

Schedule 4

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- (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance, or
 - (b) the construction of additional runways or landing strips, or reconstruction resulting in changes to the orientation of existing runways or landing strips, or
 - (c) the formation or alteration of any means of access to a road.

5 Road transport undertakings

The carrying out of any development required in connection with the movement of traffic and goods by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, excluding development involving:

- (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

6 Road construction, maintenance etc

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance, repair or operation of any public road.

7 Flood mitigation works

The carrying out of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvements in pursuance of the provisions of the *Water Act 1912*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, excluding development involving:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as to materially affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

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Schedule 5 Reclassification of community land

Schedule 5 Reclassification of community land

(Clause 19)

Part 1

Lot 32 DP 19574, 63A Orchardtown Road, New Lambton, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 1987 (Amendment No 124)", Sheet No 2 of 3 sheets.

Lot J DP 13401, Lots 95–98, 40 Victory Parade, Wallsend, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 1987".

Part 2

Part Lot 40 DP 19631, 45 Lookout Road, New Lambton Heights, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 1987 (Amendment No 124)", Sheet No 1 of 3 sheets.

Part 3

Note. There were no items in Part 3 at time of gazettal.

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Heritage items and heritage conservation areas

Schedule 6

Schedule 6 Heritage items and heritage conservation areas

(Clause 37 and Schedule 2)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance
Adamstown	Adamstown Post Office	195 Brunner Road	Lot 1 DP 222812	Local
Adamstown	Former Adamstown Public School	201 Brunner Road	Lot 3263 DP 822183	Local
Adamstown	Adamstown Uniting Church	228 Brunner Road	Lot 1 DP 126604	Local
Adamstown	Nag's Head Hotel	268 Brunner Road	Lot B DP 319138	Local
Adamstown	Kitchener Hall	269 Brunner Road	Lot 2 DP 227081	Local
Adamstown	Adamstown RSL Memorial Hall	278 Brunner Road	Lot 2 DP 1002163	Local
Adamstown	Former Rifle Range	351 Brunner Road	Lot 102 DP 1037972	Local
Adamstown	Adamstown Signal Box	Cnr Glebe Road and Park Avenue	Railway land	Local
Adamstown	Adamstown Park	506 Glebe Road	Pt Lot 3156 DP 755247	Local
Adamstown	Gates Hotel	660 Glebe Road	Lots 7 and 8 Sec A DP 2347	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Adamstown	St Columba Primary School	153 Lockyer Street	Pt Lot 35 and Lots 36–45 Sec 7 DP 1141	Local
Adamstown	Former Church	153 Lockyer Street	Pt Lot 35 and Lots 36–45 Sec 7 DP 1141	Local
Adamstown	Police Residence	65 Narara Road	Lot 3276 DP 823771	Local
Adamstown	Adamstown Police Station	67 Narara Road	Lot 3277 DP 823771	Local
Adamstown	Pedestrian Bridge	Park Avenue	Railway land	Local
Adamstown	Adamstown Railway Station	10 Park Avenue	Railway land	Local
Adamstown	New Redhead Estate Coal Co's Railway	29 Park Avenue	Lot 5 DP 589266	Local
Adamstown	Adamstown Masonic Hall	151 Teralba Road	Lot 1888 DP 755247	Local
Adamstown	Former Royal Standard Hotel	67 Victoria Street	Lot 100 DP 715282	Local
Bar Beach	Units	26 Brooks Street	SP 52934	Local
Bar Beach	Kamarem Court (Residential units)	289–293 Darby Street	SP 12800	Local
Bar Beach	Empire Park	1 Kilgour Avenue	Pt Lot 258 DP 755247	Local
Bar Beach	Cooks Hill Life Saving Memorial	1 Kilgour Avenue	Pt Lot 258 DP 755247	Local

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Bar Beach	Empire Park Bowling Club Fence	29 Kilgour Avenue	Lot 3141 DP 755247	Local
Bar Beach	Electrical Substation	17 Light Street	Lot 2 DP 37815	Local
Bar Beach	Cooks Hill Surf Life Saving Club	107–109 Memorial Drive	Pt Lot 258 DP 755247	Local
Bar Beach	Parkhurst Flats	17 Parkway Avenue	Lot 25 DP 32532	Local
Bar Beach	Units	23 Parkway Avenue	SP 22152	Local
Bar Beach	Acropolis (Residential units)	40 Parkway Avenue	SP 33214	Local
Bar Beach	Brooklyn Court (Residential units)	6 Tooke Street	SP 9251	Local
Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 1 DP 186908, Lot 1 DP 221744, Lot 11 DP 553141, Lot 29 DP 29481	State
Beresfield	Beresfield Public School	181 Anderson Drive	Lot 1 DP 782678, Lot 1 DP 544214, Lots 182–184, 188 and 189 DP 12628	Local
Birmingham Gardens	The Regal Cinema	4 Moore Street	Lots 90 and 91 DP 12691	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Birmingham Gardens	Wallsend General Cemetery	164 Sandgate Road	Ms 658 Md	Local
Broadmeadow	Remnant Plantings, District Park	6 Bavin Road	Pt Lot 1502 DP 755247	Local
Broadmeadow	Fire Station—Hamilton	9 Belford Street	Lot 1 DP 77912	Local
Broadmeadow	Goninans (Industrial site)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	English & Australian Copper Co (Industrial site)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	Former Lambton Colliery Railway (Relic)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	Sunnyside Hotel	20 Broadmeadow Road	Lot 216 DP 777695	Local
Broadmeadow	St Lawrence O'Toole Church	127–131 Broadmeadow Road	Lot 2233 DP 755247, Lots 1 and 2 DP 184402, Lot 1 DP 664791	Local

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Broadmeadow	Arthur Park	93A Bruncker Road	Lot 1807 DP 755247	Local
Broadmeadow	Newcastle Showground	1A Curley Road	Lots 2498 and 2583 DP 755247, Lot A DP 186497	Local
Broadmeadow	Entire Broadmeadow Racetrack site	100 Darling Street	Lot 13 DP 227704	Local
Broadmeadow	Former Broadmeadow Aero Club (incorporating former main hangar and preparation bay building)	2 Denny Street	Lot 2 DP 578356	Local
Broadmeadow	Fig trees in median strip	Dumaresq Street		Local
Broadmeadow	Broadmeadow Railway Station	36 Graham Road	Railway land	Local
Broadmeadow	Bridge over Graham Road	Lambton Road		Local
Broadmeadow	Broadmeadow Primary School	115 Lambton Road	Pt Lot 2525 DP 755247	Local
Broadmeadow	Broadmeadow Locomotive Depot Offices	1A Newton Street	Railway land	Local
Broadmeadow	Broadmeadow Locomotive Depot	1A Newton Street	Railway land	State

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Broadmeadow	Former Locomotive Depot Workers accommodation	1B Newton Street		Local
Carrington	Former Carrington Club Hotel	83–85 Bourke Street	Lot 1 Sec 38 DP 300	Local
Carrington	Hydraulic Power Station	106 Bourke Street	Lot 3 DP 834572	State
Carrington	Connolly Park War Memorial Gate	1B Cowper Street North	DP 758233	Local
Carrington	Earp Woodcock Beveridge & Co (Industrial site)	8 Cowper Street South	Pt Lot 100 DP 1014244	Local
Carrington	Armstrong & Royce Timber Mill	8 Cowper Street South	Pt Lot 100 DP 1014244	Local
Carrington	Club Hotel	26 Cowper Street North	Lot 1 DP 79693	Local
Carrington	The Seven Seas Hotel	33 Cowper Street North	Lot 1 DP 102046	Local
Carrington	Throsby Basin Warehouse	Denison Street		State
Carrington	Palms	Gipps Street		Local
Carrington	Mary McKillop Home	58 Gipps Street	Lot 7 Sec 43 DP 755247	Local
Carrington	St Francis Xavier Catholic Church	60 Gipps Street	Lot 8A Sec 43 DP 755247	Local
Carrington	Date palms	Hargrave Street		Local

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Carrington	Former Council Chambers	1A Hargrave Street	Lot 1 Sec 51 DP 755247	Local
Carrington	Former Morrison Bearby Warehouse (Facade only)	92 Hill Street	Lot 11 DP 1023961	Local
Carrington	Mathieson Street Terraces	2–18 Mathieson Street	Lot 1 DP 910260, Lots 1–8 DP 8631	Local
Carrington	Bullock Island Crane Bases	38 Robertson Street	Lot 1 DP 834572	Local
Carrington	Former McMyler Hoist	61 Robertson Street	Lot 2 DP 834572	Local
Carrington	Carrington Fire Station	51 Young Street	Lot 4 Sec 36 DP 755247	Local
Carrington	Carrington Public School	88 Young Street	Lots 1–3 DP 4715, Lots 6–8 Sec 37 DP 755247	Local
Carrington	Everyones Theatre	92A Young Street	Lot 1 DP 151605	Local
Carrington	St Thomas Anglican Church and Hall	95 Young Street	Lot 32 DP 843193	Local
Carrington	Carrington Post Office	97 Young Street	Lot 11 Sec 32 DP 755247	Local
Carrington	Quambi (Residence)	110 Young Street	Lot 2 DP 3687	Local
Carrington	Almora (Residence)	112 Young Street	Lot 3 DP 3687	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Carrington	Shop	121 Young Street	Lot 1 DP 312270	Local
Carrington	Carrington House (Residence)	130 Young Street	Lot 1 DP 179625	Local
Carrington	Oriental Hotel	132 Young Street	Lot 10 DP 656932	Local
Carrington	Former Glasgow Arms Hotel	140 Young Street	Lots 37–39 DP 78	Local
Carrington	Cosmopolitan Hotel	151 Young Street	Lot 1 DP 923985	Local
Cooks Hill	Strathearn Terrace Group	92–98 Bull Street	Lot 1 DP 715763, Lot 1 DP 194245, Lots 1 and 2 DP 739440	Local
Cooks Hill	Residence	30 Corlette Street	Lot 640 DP 630631	Local
Cooks Hill	Normanton (Residence)	37 Dawson Street	Lot 112 DP 815683	Local
Cooks Hill	Terraces	111–113 Dawson Street	Lots 100 and 101 DP 557432	Local
Cooks Hill	Nickimble Terrace Group	115–123 Dawson Street	Lots 10–14 DP 244348	Local
Cooks Hill	Former Signalman's Cottage	12 Laman Street	Lot 11 DP 150135	Local
Cooks Hill	Former Railway Overpass	12 Laman Street	Lot 12 DP 150135	Local

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Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Cooks Hill	St Andrews Presbyterian Church	12 Laman Street	Lot 10 DP 95189	State
Cooks Hill	Baptist Tabernacle	25 Laman Street	Pt Lot 19 Sec G DP 978941	State
Cooks Hill	Cooks Hill Special School	100–102 Laman Street	Lots 250 and 251 DP 749870	Local
Cooks Hill	St Johns Church, Hall and grounds	1B Parry Street	Lot 1 DP 872146	State
Cooks Hill	Thorns Terrace	45 Railway Street	Lot 101 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	47 Railway Street	Lot 102 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	49 Railway Street	Lot 103 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	51 Railway Street	Lot 104 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	53 Railway Street	Lot 1 DP 998338	Local
Cooks Hill	Thorns Terrace	55 Railway Street	Lot 1 DP 745052	Local
Cooks Hill	Thorns Terrace	57 Railway Street	Lot 1 DP 198284	Local
Cooks Hill	Thorns Terrace	59 Railway Street	Lot 8 DP 137527	Local
Cooks Hill	Terrace	92–94 Railway Street	Lot 1 DP 711571	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Cooks Hill	Terrace	39 Union Street	Lot 761 DP 626207	Local
Cooks Hill	Terrace	41 Union Street	Lot 760 DP 626207	Local
Cooks Hill	Terrace	43 Union Street	Pt Lot 76 Sec J DP 978941	Local
Cooks Hill	Fire Station	44 Union Street	Lot 1 DP 77102	Local
Cooks Hill	Terrace	45 Union Street	Lot 1 DP 197740	Local
Cooks Hill	Leslieville (Former residence)	63 Union Street	Lot 801 DP 535282	State
Hamilton	Station Buildings and Signal Box	1A Beaumont Street	Railway land	Local
Hamilton	Sydney Junction Hotel	8 Beaumont Street	Lot X DP 374327, Lot 1 DP 86246, Lot 11 DP 89305	Local
Hamilton	Former Masonic Hall	104 Beaumont Street	Lot 77 DP 700187	Local
Hamilton	Wesley Church	152 Beaumont Street	Lots 1–3 DP 770155	Local
Hamilton	Wesley Church Gates and Fence	152 Beaumont Street	Lots 1–3 DP 770155, Lot B DP 154392	Local
Hamilton	Terrace (including iron fence and gate)	21 Cameron Street	Lot 1 DP 744660	Local
Hamilton	Date palms	Chaucer Street		Local

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Heritage items and heritage conservation areas

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Suburb	Item name	Address	Property description	Significance
Hamilton	Former Steam Tramshed	89 Denison Street	Lot 112 DP 1005089	Local
Hamilton	War Memorial (Steam Tram Memorial)	89 Denison Street	Lot 112 DP 1005089	Local
Hamilton	Former Hamilton Hotel	100 Denison Street	Lot 1 DP 75471	Local
Hamilton	Exchange Hotel	125–127 Denison Street	Lot 1 DP 76276	Local
Hamilton	Hotel Bennett	146 Denison Street	Lot 1 DP 89300	Local
Hamilton	St Peters Anglican Church	148 Denison Street	Lot 2 Sec F DP 192808	State
Hamilton	A A House	195–197 Denison Street	Lot 22 DP 879044, Lot 3 DP 153592	State
Hamilton	Large fig tree	Denison Street and Lawson Street		Local
Hamilton	Eddy Street residence	4 Eddy Street	Lot 29 Sec L DP 10482831	Local
Hamilton	Eddy Street residence	6 Eddy Street	Pt Lot 28 Sec L DP 10482831	Local
Hamilton	Eddy Street residence	8 Eddy Street	Lot 27 DP 770646	Local
Hamilton	Eddy Street residence	10 Eddy Street	Lot 26 DP 996741	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Hamilton	Eddy Street residence	12 Eddy Street	Lot 1 DP 780907	Local
Hamilton	Eddy Street residence	14 Eddy Street	Lot 24 DP 735930	Local
Hamilton	Eddy Street residence	16 Eddy Street	Lot 1 DP 795000	Local
Hamilton	Eddy Street residence	18 Eddy Street	Lot 1 DP 194918	Local
Hamilton	Anona (Residence including front fence)	36 Gordon Avenue	Lot 11 DP 708981	Local
Hamilton	A A Company Display Home	141 Gordon Avenue	Pt Lot 1 DP 95144	Local
Hamilton	A A Company Display Home	154 Gordon Avenue	Lot 1 DP 797151	Local
Hamilton	Hely Brothers Pty Ltd (Industrial site)	48 Hudson Street	Pt Lot 3 DP 508048, Pt Lots 15 and 16 DP 95247, Lot 17 and Pt Lot 18 DP 999640	Local
Hamilton	Residence	48 Hudson Street	Pt Lot 15 DP 95247	Local
Hamilton	Former Flour Mill	56 Hudson Street	SP 58951	Local
Hamilton	Former Hamilton Volunteer Fire Station	38 James Street	Lot 1 DP 194909	Local

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Heritage items and heritage conservation areas

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Suburb	Item name	Address	Property description	Significance
Hamilton	Police Station	57 James Street	Lot 1 DP 795449	Local
Hamilton	Hamilton Post Office	56 Lindsay Street	Lot 2862 DP 755247	Local
Hamilton	Fettercairn (Former residence and hospital)	65 Lindsay Street	Lot 1 DP 194569	Local
Hamilton	Former Nurses Home	66 Lindsay Street	Lot 1 DP 799840	Local
Hamilton	Chelsea (Residence)	68 Lindsay Street	Lot E DP 447913	Local
Hamilton	Hamilton Nursing Home	22–24 Samdon Street	Lots 5–7 DP 558137	Local
Hamilton	Hamilton Hotel	71 Tudor Street	Lot 351 DP 585827	Local
Hamilton	Scots Kirk Presbyterian Church	94 Tudor Street	Lot 101 DP 837017	Local
Hamilton	Former Bank of New South Wales	103 Tudor Street	Lot 100 DP 624615	Local
Hamilton	Anzac House (Former Mechanics Institute)	117 Tudor Street	Lots 2 and 3 DP 524404	Local
Hamilton	Hamilton Public School	127A Tudor Street	Lot 2 DP 809375	Local
Hamilton	Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Hamilton	John William Parsons Monument	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Gregson Park Tudor Street Gates	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	War Memorial—Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Fountain Monument—Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Gregson Park Steel Street Gates	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Wesley Church Hall	19 William Street	Lot 1 DP 770161	Local
Hamilton East	House (including front fence)	58 Denison Street	Lot 1 DP 770590	Local
Hamilton East	House	60 Denison Street	Lot 1 DP 744771	Local
Hamilton East	Newcastle District Ambulance Station	77 Denison Street	Lot 183 DP 539432	Local
Hamilton East	Fig trees	Stewart Avenue		Local
Hamilton North	Gas Co Site Remnant Gardens	1 Chatham Road	Lot 1 DP 79057	Local
Hamilton North	Newcastle Gas Co Office	1 Chatham Road	Lot 1 DP 79057	Local
Hamilton North	Pump House and fence	1 Chatham Road	Lot 1 DP 79057	Local

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Hamilton North	Shell Company of Australia (Industrial site)	5-7 Chatham Road	Lot 1 DP 77996	Local
Hamilton North	Pipeline Clifton Bros (Former residence)	5-7 Chatham Road	Lot 1 DP 77996	Local
Hamilton North	Richardson Park	16 Chatham Road	Lot 2436 DP 755247, Lot 2418 DP 755247	Local
Hamilton North	Former Scout Hall	16 Chatham Road	Lot 2954 DP 755247	Local
Hamilton North	ELMA Factory	52-54 Clyde Street	Lot 102 DP 1024980	Local
Hamilton South	Learmonth Park	80A Gordon Avenue	Lot 21 DP 95334	Local
Hamilton South	Learmonth Park Pillars	80A Gordon Avenue	Lot 21 DP 95334	Local
Hamilton South	The Gables (Residence)	152 Gordon Avenue	Lot 54 DP 662931	Local
Hamilton South	Newcastle High School	25A National Park Street	Lot 1 DP 150725, Lot 1 DP 575171, Lot 1 DP 794827	Local
Hamilton South	House	135 Parkway Avenue	Lot 90 DP 37549	Local
Hexham	Railway Station	Maitland Road	Railway land	Local

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Suburb	Item name	Address	Property description	Significance
Hexham	Former Travellers Rest Hotel	23 Maitland Road	Lot 1 DP 659925	Local
Hexham	Oak Factory	189 Maitland Road	Lot 2 DP 802350	Local
Hexham	Hannel Family Vault	398B Maitland Road	Lot 1 DP 974950	Local
Hexham	Slab Shed	2 Old Maitland Road	Pt Lot 7002 DP 1052280	Local
Hexham	Former Uniting Church and Hall	63 Old Maitland Road	Lot 2 DP 546494	Local
Hexham	Former Glen Lovett Hall	187 Old Maitland Road	Lot A DP 157693	Local
Hexham	Former Hexham Public School	227 Old Maitland Road	Lot 102 DP 499013	Local
Hexham	Hexham Shipbuilding Yards	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	Goninans Administration Building	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	J & A Brown's Hexham Workshops	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	Hexham Bridge	Pacific Highway		Local
Islington	Venetia (Residence)	111 Albert Street	Lot 1 DP 415171	Local
Islington	Islington RSL Memorial Hall	113 Albert Street	Lot 1 DP 344553	Local

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Suburb	Item name	Address	Property description	Significance
Islington	Terrace	60 Chinchon Street	Lot 1 DP 709948	Local
Islington	Terrace	62 Chinchon Street	Lot 1 DP 136616	Local
Islington	Terrace	64 Chinchon Street	Lot 1 DP 1031915	Local
Islington	Terrace	66 Chinchon Street	Lot 1 DP 195202	Local
Islington	Terrace	68 Chinchon Street	Pt Lot 7 Sec A DP 192668	Local
Islington	Terrace	70 Chinchon Street	Lot 1 DP 779533	Local
Islington	Islington Junction Box	Clyde Street	Railway land	Local
Islington	Former Dick Bros Engineering building	62 Fern Street	Lots 1–4 DP 782730	Local
Islington	Public School (including trees)	17 Hubbard Street	Lot 2 DP 797777	Local
Islington	Residence	22 Maitland Road	Lot C DP 334618	Local
Islington	Former Regent Picture Theatre	80 Maitland Road	Lot 1 DP 88359	Local
Islington	Islington Park	151A Maitland Road	Ms 735 Md, Lot 3182 DP 257283, Lots A and B DP 37022, Lot 1 DP 337010	Local

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Suburb	Item name	Address	Property description	Significance
Islington	St Marks Anglican Church	5 Norfolk Avenue	Lots 1–3 Sec B DP 978072	Local
Islington	St Marks Rectory	9 Norfolk Avenue	Pt Lot 4 Sec B DP 978072, Lot 21 DP 9652	Local
Islington	Winchombe Carson Warehouse	13 Roslyn Avenue	Lot 201 DP 583258	Local
Islington	Kenilworth (Residence)	14 Sheddon Street	Lots 1–2 Sec G DP 2331, Lot 17 Sec G DP 2331	Local
Jesmond	Marquis of Midlothian Hotel	42 Robert Street	Lot 91 DP 791194	Local
Kooragang	Tongues Tree Fig	Kooragang Nature Reserve		Local
Kooragang	Palm	Greenleaf Road		Local
Kooragang	131 Radar Igloo (Building)	200 Kooragang Street	Lot 1 DP 126347	State
Kooragang	School Master's House	200 Kooragang Street	Lot 1 DP 126347	Local
Lambton	Lambton Anglican Church	19 Church Street	Lot 230 DP 1035097	Local
Lambton	Lambton Public School	18 Croudace Street	Lot 1 DP 804236	Local
Lambton	Lambton Fire Station	67 De Vitre Street	Lot 854 DP 755247	Local

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Suburb	Item name	Address	Property description	Significance
Lambton	Former Lambton Police Station and Lock-up Residence	22 Dickson Street	Lot 2414 DP 755247	Local
Lambton	Post Office	37 Dickson Street	Lot 1 DP 815096	Local
Lambton	Bethal Congregational Church	43A Dickson Street	Lot 56 DP 777623	Local
Lambton	Convent of Mercy	69A Dickson Street	Lot 1 DP 3, Lot 1 DP 907508, Lots 4-6 DP 907509	Local
Lambton	St John Catholic Church	82 Dickson Street	Pt Lot 6 Sec B DP 3, Lot 1 DP 255158, Lot 16 DP 119115	Local
Lambton	St John Presbytery	82 Dickson Street	Pt Lot 6 Sec B DP 3, Lot 1 DP 255158, Lot 16 DP 119115	Local
Lambton	Lambton Mechanics Institute Hall	68 Elder Street	Lot 330 DP 755247	Local
Lambton	Shopfront	106 Elder Street	Lot 4 DP 813318	Local
Lambton	Le Chalet (Residence)	130 Elder Street	Lots 10 and 11 Sec F DP 3	Local
Lambton	Uniting Church	136 Elder Street	Lot 7 Sec F DP 3	Local
Lambton	Lambton Park	50 Howe Street	Pt DP 755247	Local

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Suburb	Item name	Address	Property description	Significance
Lambton	Lambton Park Drinking Fountain	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Park Gates	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Park Rotunda	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Library (Formerly Lambton Municipal Chambers)	50 Howe Street	Pt DP 755247	Local
Lambton	The Lambton Park Hotel	60 Howe Street	Lot 1 DP 442480	Local
Lambton	Residence	64 Howe Street	Lots A and B DP 435770	Local
Lambton	Cartrefle (Residence)	79 Howe Street	Lot 2 DP 301561	Local
Lambton	Lambton Anglican Rectory	18 Morehead Street	Lot 231 DP 1035097	Local
Lambton	Lambton Masonic Hall	22A Morehead Street	Lot 849 DP 755247	Local
Lambton	Kings Theatre (Former Coronation Hall)	31 Morehead Street	Lot 2 DP 334833	Local
Lambton	Lambton Pumping Station	307A Newcastle Road	Lot 2 DP 787983	Local
Maryland	Glendor Thomas Family Grave	79 Callan Avenue	Lot 3 DP 839872	Local

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Suburb	Item name	Address	Property description	Significance
Maryland	Styles Grove Landscape (Moreton Bay fig trees)	256 Minmi Road	Lot 611 DP 1034932	Local
Maryland	Styles Grove (Former residence and farm buildings)	256 Minmi Road	Lot 611 DP 1034932	Local
Maryville	Maryville Postal Pillar Box	Harrison Street		Local
Maryville	Remnant Tuckeroos (trees)	Williams Street		Local
Mayfield	Residence	28 Bull Street	Lot 1 DP 815609	Local
Mayfield	Residence	74 Bull Street	Lot 2 DP 336905	Local
Mayfield	St Andrews Church	31A Church Street	Lot 3 DP 544502	Local
Mayfield	St Columban's Church	39 Church Street	Lot 4 DP 509134	Local
Mayfield	St Columbans Presbytery	58 Church Street	Lot 1 DP 66978	Local
Mayfield	Ingall House group	47 Crebert Street	Lot 211 DP 871588	Local
Mayfield	Ingall House group	51 Crebert Street	Lot 1 DP 213056	Local
Mayfield	Ingall House	61 Crebert Street	Lot 13 DP 538578	Local
Mayfield	Bella Vista (Former residence)	105 Crebert Street	Lot 141 DP 716312	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield	Former Substation	138A Crebert Street	Lot A DP 164300	Local
Mayfield	Residence	141 Crebert Street	Lot B DP 37452	Local
Mayfield	Winncourt (Residence)	143 Crebert Street	Lot 2 DP 523690	Local
Mayfield	Residence	145 Crebert Street	Lots 9 and 10 Sec C DP 978483, Pt Lots 26 and 27 Sec C DP 978483	Local
Mayfield	Residence	147 Crebert Street	Lot A DP 160509	Local
Mayfield	Tongarra (Residence)	149 Crebert Street	Lot 51 DP 1022725	Local
Mayfield	Former St Andrews Rectory	1 Durham Street	Lot 2 DP 544502	Local
Mayfield	House and picket fence	41 Elizabeth Street	Lots 30–32 Sec I DP 975066	Local
Mayfield	House and picket fence	72 Elizabeth Street	Lot A DP 367045	Local
Mayfield	Trees at site of Catholic School of Christ the King	3 Fitzroy Street	Lot 110 DP 1023101	Local
Mayfield	St John Presbyterian Church	33A Hanbury Street	Lots 1A, 1B and 1C Sec D DP 977626, Lot 3A Sec D DP 977626	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield	Webb Park	86A Hanbury Street	Lots 1–3 DP 185977	Local
Mayfield	Residence	88 Hanbury Street	Lot 1 DP 332193, Lot 1 DP 127928, Lot 1 DP 322926	Local
Mayfield	Hunter Institute of Technology	52 Havelock Street	Lot 1 DP 875242	Local
Mayfield	San Clemente School	78 Havelock Street	Lot 1 DP 818888, Lots 2 and 3 DP 230245	Local
Mayfield	Mayfield House	Highfield Street		Local
Mayfield	Winahra (Residence)	21 Highfield Street	Lot 1 DP 342048	Local
Mayfield	Church House	29–31 Highfield Street	Pt Lots 1–3 Sec B DP 978483	Local
Mayfield	Mayfield Uniting Church	29–31 Highfield Street	Pt Lots 1–3 Sec B DP 978483	Local
Mayfield	Simpsons Cottage	64 Industrial Drive	Lot 20 Sec B DP 16844	Local
Mayfield	Residence	15 Kerr Street	Lot 11 DP 537479	Local
Mayfield	Glen Airlie, (Arnott Residence)	41 Kerr Street	Lot B DP 378684	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield	Residence	76 Kerr Street	Lot A DP 360878	Local
Mayfield	Dangar Park	21A Maitland Road	Pt Lot 128 DP 755247	Local
Mayfield	Date palms	21A Maitland Road	Pt Lot 128 DP 755247	Local
Mayfield	Beauford Hotel	39 Maitland Road	Lots 4–7 Sec J DP 3626	Local
Mayfield	The Coliseum (Commercial building)	116–122 Maitland Road	Lots 183 and 184 DP 95371	Local
Mayfield	Stag & Hunter Hotel	185 Maitland Road	Lot 1 DP 80473	Local
Mayfield	Mayfield Police Station	219–221A Maitland Road	Lot 1 DP 711020, Lot 2 DP 784164	Local
Mayfield	Elladale (Former residence)	358 Maitland Road	Lot 1 DP 806145	Local
Mayfield	Residence	94 Margaret Street	Lot 22 DP 563077	Local
Mayfield	Burrundulla (Residence)	2 Pitt Street	Lot B DP 161146	Local
Mayfield	Burgman House	4 Pitt Street	Lots A and B DP 163111	Local
Mayfield	Salvation Army Citadel	3 Victoria Street	Lot 1 DP 74234, Lot 24 DP 540764	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield	Redemptorist Monastery	68 Woodstock Street	Lot 4 DP 546404	State
Mayfield	Remnant Monastery Garden	68 Woodstock Street	Lot 4 DP 546404	Local
Mayfield East	Former Botanic Garden Site	24–30 Crebert Street	Lots 90 and 91 DP 1022901, Lot 100 DP 875896	Local
Mayfield East	Mayfield East Public School	34 Crebert Street	Pt Lot 225 DP 755247, Lot 1 DP 195848, Lot 2 DP 610699	Local
Mayfield East	Australia Wire Rope Building	6 George Street	Lot 1 DP 577013	Local
Mayfield East	Residence	92 Margaret Street	Lot 23 DP 563077	Local
Mayfield North	No 1 Bloom & Rail Mill	51 Industrial Drive	Lot 225 DP 1013964	State
Mayfield North	Administration Buildings Nos 2, 3 and 4	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	No 1 Change House	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	1st Mill Building	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	Cycle Sheds and No 2 Rod Mill	141 Ingall Street	Lot 224 DP 1013964	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield North	Apprentice Training Centre	141 Ingall Street	Lot 224 DP 1013964	Local
Mayfield North	Administration Building, 1933	141 Ingall Street	Lot 224 DP 1013964	Local
Mayfield North	No 1 Blower House	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Soaking Pits Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	No 3 Blast Furnace	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	AC Saltwater Pumphouse	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Administration Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Delprat's Quarters	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	DC Substation	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Powerhouse	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	No 4 Blast Furnace and Stoves	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Quality Control Laboratory	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	BOS Plant	99 Selwyn Street	Lot 221 DP 1013964	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield North	Mould Conditioning Building	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Master Mechanics Office	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Pattern Store	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Remnant No 1 Blast Furnace	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Open Hearth Change House	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Tool Room	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Steel Foundry	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	18" Mill Building and Stack Yard	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	12" Mill Building and Stack Yard	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	No 1 Rod Mill Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Open Hearth Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Original Timber Wharves	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield West	Former Maternity Hospital	1 Buruda Street	Lot 2 DP 156246	Local

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Suburb	Item name	Address	Property description	Significance
Mayfield West	Mayfield West Public School	7 Gregson Avenue	Lot 1 DP 795155	Local
Mayfield West	Former Migrant Camp	609 Maitland Road	Lot 1 DP 369641	State
Mayfield West	Substation	2 Maud Street	Lot 4 DP 153265	Local
Mayfield West	Remnant Garden	50 McIntosh Drive	Lot 23 DP 270249	Local
Merewether	Burwood Inn	77 Berner Street	Lot 1 DP 79791	Local
Merewether	Former Racecourse Inn	65 Frederick Street	Lot 200 DP 882970	Local
Merewether	Trialba (Residence)	75 Frederick Street	Lot A DP 155296	Local
Merewether	Beach Hotel	99 Frederick Street	Lot 1 DP 79757	Local
Merewether	Stallards Garage	152 Glebe Road	Lot 1 DP 998577	Local
Merewether	Merewether Uniting Church	176 Glebe Road	Lots 78–80 Sec 6 DP 32615	Local
Merewether	Merewether Baths	27 Henderson Parade	R 56681	Local
Merewether	The Ridge (Hillcrest Hospital)	21 Hillcrest Road	Lot 5 DP 260947	State
Merewether	Brynhfryd (Residence)	44 Kilgour Avenue	Lot 1 DP 986437	Local
Merewether	Merewether Post Office	36 Llewellyn Street	Lot 152 DP 772098	Local

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Suburb	Item name	Address	Property description	Significance
Merewether	Merewether Fire Station	37 Llewellyn Street	Lot 1100 DP 997536, Lots 111 and 112 DP 530198	Local
Merewether	St Augustine's Anglican Church	43 Llewellyn Street	Lots 7-9 Sec 6 DP 111239	Local
Merewether	Henderson Park Community Hall	42 Lockyer Street	Pt Lot 199 Sec B DP 109967	Local
Merewether	Henderson Park	42 Lockyer Street	Lot 199 Sec B DP 109967	Local
Merewether	Macquarie Street Reservoir	65 Macquarie Street	Lot 10 DP 813829	Local
Merewether	Remnant Metrosideros Plantings	Memorial Drive		Local
Merewether	Remains of Glenrock Railway	Merewether Beach	R 46525	Local
Merewether	War Memorial (Mitchell Park)	24 Mitchell Street	Lot 7022 DP 93962	Local
Merewether	Townson Oval Pavilion (Mitchell Park)	24 Mitchell Street	Lot 7022 DP 93962	Local
Merewether	Remains of Smelter	Smelters Beach		Local
Merewether	Beach Pavilion	80 Watkins Street		Local
Merewether	Newcastle Coke Ovens	80 Watkins Street		Local

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Suburb	Item name	Address	Property description	Significance
Merewether Heights	Fruit Packing Shed and Residence	221 Scenic Drive	Lot 1 DP 197754	Local
Merewether Heights	Glenrock Reserve	221 Scenic Drive	Lots 111 and 112 DP 776284, Lot 110 DP 571225, Lot 7 DP 520646, Lot 1 DP 733514, Lot 1 DP 197754	Local
Merewether Heights	Bailey's Orchard	221 Scenic Drive	Lot 1 DP 197754, Lot 1 DP 73351, Lot 111 DP 776284	Local
Minmi	Duckenfield Colliery Railway (Relics)			Local
Minmi	Duckenfield Railway No 1 Colliery Branch Line			Local
Minmi	Duckenfield Railway Nos 2, 3 and 4 Collieries Branch Line			Local
Minmi	St Andrews Presbyterian Church	19 Church Street	Lot 1 DP 577710	Local

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Suburb	Item name	Address	Property description	Significance
Minmi	Former Police Station and Courthouse	40 Church Street	Lot 1 DP 730659	Local
Minmi	John Brown's Model Farm	33 Lenaghans Drive		Local
Minmi	Stone Ford	33 Lenaghans Drive	Lot 1 DP 1007615	Local
Minmi	Winston Court (Residence)	142 Lenaghans Drive	Pt Lot 4 DP 850020	Local
Minmi	Former Railway Cuttings	East of McInnes Street	Pt Lot 12 DP 1022524	Local
Minmi	Minmi to Hexham Railway	Minmi to Hexham		State
Minmi	Co-op Coal Co's Air Furnace Shaft	141 Minmi Road	Lot 34 DP 800036	Local
Minmi	Cemetery	141 Minmi Road	Lot 34 DP 800036	Local
Minmi	Minmi Reservoir Site	15 Reservoir Road	Lot 147 DP 840897	Local
Minmi	Former Reservoir Residence	17 Reservoir Road	Lot 21 DP 793953	Local
Minmi	Remains of Railway Siding	29 Woodford Street	Lot 148 DP 840897	Local
Minmi	Dairy Cool Rooms	29 Woodford Street	Lot 148 DP 840897	Local
Minmi	Former Railway Cuttings	29 Woodford Street	Lot 148 DP 840897	State

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Suburb	Item name	Address	Property description	Significance
Minmi	Minmi Public School (Foundation stones and bell)	56 Woodford Street	Lot 1 DP 782483, Lot 15 Sec A DP 30399	Local
Minmi	Minmi Coal Carriage	56 Woodford Street	Lot 1 DP 782483, Lot 15 Sec A DP 30399	Local
Minmi	Minmi Train Carriage	96 Woodford Street	Lot 1 DP 157344	Local
Minmi	Former Post Office	129 Woodford Street	Lot 1 DP 446269	Local
Minmi	Minmi Hotel	156 Woodford Street	Lot 2 DP 851653	Local
Minmi	Garden House Site	177 Woodford Street	Lot 2 DP 1029922	Local
Minmi	Former Minmi Public School and Residence	196 Woodford Street	Lots 11 and 12 DP 596179	Local
New Lambton	Former Savoy Theatre	18A and 18B Alma Road	Lot 1266 DP 755247	Local
New Lambton	Newbold House	161 Croudace Street	Lots 3 and 4 DP 17908	Local
New Lambton	New Lambton Scout Hall	4 Fleet Street	Lot 6 DP 20700, Lot 10 DP 14496	Local
New Lambton	Scottish Australian Mining Co (site)	1A Mahogany Drive	Lot 19 DP 555035	Local
New Lambton	New Lambton Substation	34A Portland Place	Lot 310 DP 713570	Local

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Suburb	Item name	Address	Property description	Significance
New Lambton	Orielton (Residence)	41 Queens Road	Lot C DP 315885	Local
New Lambton	The Grange (Residence)	59 Queens Road	Lot 2 DP 547000	Local
New Lambton	New Lambton Public School	66 Regent Street	Pt Lot 1220 DP 755247, Lot 1 DP 122485, Lots 1215, 1216 and 1218 DP 122486, Lot 1224 DP 755247	Local
New Lambton	St Therese Primary School	39 Royal Street	Lots 67–69 DP 5401	Local
New Lambton	Former Police Station and Residence	23 Westcourt Road	Lot 1223 DP 755247	Local
New Lambton Heights	Rankin Park Hospital	2 Lookout Road	Lot 13 DP 876245	Local
New Lambton Heights	Croudace House	2 Lookout Road	Lot 13 DP 876245	Local
New Lambton Heights	Remnant Garden, Croudace House	2, 14 and 20 Lookout Road	Lot 13 DP 876245, SP 60845, Lot 12 DP 876245	Local
Newcastle	Newcastle Post Office Annex	5 Bolton Street	Lot 1 DP 430746	State
Newcastle	NZ Insurance Building	12 Bolton Street	SP 51662	Local

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Suburb	Item name	Address	Property description	Significance
Newcastle	Union Trustee Building	18 Bolton Street	Lot 42 DP 542509	Local
Newcastle	Former Eldon Chambers	24 Bolton Street	Lot 2 DP 136640	Local
Newcastle	Court Chambers	40 Bolton Street	Lot 71 DP 541527	Local
Newcastle	Steels Garage (Former Olympic Hall)	47 Bolton Street	Lot 1 DP 74337	Local
Newcastle	Former David Cohen & Co Warehouse	50 Bolton Street	Lot 1 DP 601267	State
Newcastle	Toll Cottage (Former Rose Cottage)	51 Bolton Street	Lot 394 DP 747410	State
Newcastle	Former Newcastle East Public School	58 Bolton Street	Lot 1 DP 709455	Local
Newcastle	Customs House	1 Bond Street	Lot 1 DP 533984	State
Newcastle	Stanton Catchlove Bond Store	11 Bond Street	Lot 1 DP 619238	Local
Newcastle	Macquarie House	8 Church Street	Lot 10 DP 24188	State
Newcastle	Courthouse	9 Church Street	Pt DP 755247	State
Newcastle	Buchanan Terrace and footpath	10 Church Street	Lot 9 DP 24188	State
Newcastle	Buchanan Terrace and footpath	12 Church Street	Lot 8 DP 24188	State

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Suburb	Item name	Address	Property description	Significance
Newcastle	Buchanan Terrace and footpath	14 Church Street	Lot 7 DP 24188	State
Newcastle	Buchanan Terrace and footpath	16 Church Street	Lot 6 DP 24188	State
Newcastle	Buchanan Terrace and footpath	18 Church Street	Lot 5 DP 24188	State
Newcastle	Buchanan Terrace and footpath	20 Church Street	Lot 4 DP 24188	State
Newcastle	Buchanan Terrace and footpath	22 Church Street	Lot 3 DP 24188	State
Newcastle	Buchanan Terrace and footpath	24 Church Street	Lot 2 DP 24188	State
Newcastle	Buchanan Terrace and footpath	26 Church Street	Lot 1 DP 24188	State
Newcastle	Buchanan Terrace and footpath	28 Church Street	Lot B DP 420090	State
Newcastle	Buchanan Terrace and footpath	30 Church Street	Lot A DP 420090	State
Newcastle	Grand Hotel	32 Church Street	Lot 32 DP 343633	State
Newcastle	Dwelling	46 Church Street	Lot A DP 331216	Local
Newcastle	Nos 1 and 2 Lee Wharf Buildings A and C	9 Honeysuckle Drive	Pt Lot 51 DP 1036132	State

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Suburb	Item name	Address	Property description	Significance
Newcastle	Civic Railway Workshops Group	9 Honeysuckle Drive, 10A Merewether Street	Pt Lot 51 DP 1036132, Lot 50 DP 1036132	State
Newcastle	T & G Mutual Life Assurance Building	45 Hunter Street	Lot 6 DP 75385	State
Newcastle	Sun Building (Facade only)	48-56 Hunter Street	Lot 4 DP 76454	Local
Newcastle	AMP Building	55 Hunter Street	SP 53607	State
Newcastle	Former CBA Bank	67 Hunter Street	SP 65329	Local
Newcastle	Former National Bank	68 Hunter Street	Lot 1 DP 66499	Local
Newcastle	National Australia Bank	73 Hunter Street	Lot A DP 60510	State
Newcastle	Former Department of Public Works Office	74 Hunter Street	Lot 3224 DP 729951	State
Newcastle	Former Emporium Building	87-89 Hunter Street	Lots 1 and 2 DP 152682	Local
Newcastle	Former Police Station	90 Hunter Street	Lot 3223 DP 729951	State
Newcastle	Post Office and War Memorial Statue	96-100 Hunter Street	Lot 103 DP 758769	State
Newcastle	ANZ Bank	102 Hunter Street	Lot 1 DP 131741	State

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Suburb	Item name	Address	Property description	Significance
Newcastle	CML Building	108–112 Hunter Street	Lot 1 DP 331485	State
Newcastle	Municipal Building	122–132 Hunter Street	Lots A–F DP 80153	Local
Newcastle	Former Hotel Hunter	154 Hunter Street	Lot 2 DP 600274	Local
Newcastle	Municipal Building	164–170 Hunter Street	Lot 1 DP 600274	Local
Newcastle	David Jones (Commercial building)	169–185 Hunter Street	Lot 1 DP 749729	Local
Newcastle	Former A A Dangar Building	176 Hunter Street	Lot 1 DP 110615	Local
Newcastle	Former School of Arts	182 Hunter Street	Lot 212 DP 660080	Local
Newcastle	Crown & Anchor Hotel	189 Hunter Street	Lot 1 DP 79759	Local
Newcastle	Former Johns Building	200–212 Hunter Street	Lot 1 DP 228072	Local
Newcastle	Commonwealth Bank Building	220 Hunter Street	Lot 1 DP 78033	Local
Newcastle	Former ANZ Bank	227 Hunter Street	Lot 1 DP 770692	Local
Newcastle	Lucky Country Hotel	237 Hunter Street	Lots 1 and 2 DP 331728	Local
Newcastle	Former Tramway Substation	342 Hunter Street	SP 21188	Local

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Suburb	Item name	Address	Property description	Significance
Newcastle	Former Frederick Ash Building	357 Hunter Street	Lot 2 DP 1010675	Local
Newcastle	Civic Theatre	373 Hunter Street	Pt Lot 1 DP 225689	State
Newcastle	Former Emporium Building	517–529 Hunter Street	Lot 801 DP 562199	Local
Newcastle	Former Police Station	558 Hunter Street	Lot 3195 DP 705450	Local
Newcastle	Wheeler House	8 King Street	SP 65842	Local
Newcastle	Ireland Bond Store	123 King Street	Lot 1 DP 64187	Local
Newcastle	Albert Terraces	164–176 King Street	Lots 1–5 DP 263453	Local
Newcastle	The Moorings (Residential units)	199 King Street	SP 2831	Local
Newcastle	Civic Park	201 King Street	Lot 300 DP 604071	Local
Newcastle	Church Walk Park	203 King Street	Lot 27 DP 150538	Local
Newcastle	City Hall and lamp posts	290 King Street	Pt Lot 1 DP 225689	State
Newcastle	Christie Place (including fountain)	292 King Street	Pt Lot 1 DP 225689	Local
Newcastle	Nesca House	300 King Street	Lot 2 DP 225689	State
Newcastle	Newcastle War Memorial Cultural Centre	1 Laman Street		State

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Suburb	Item name	Address	Property description	Significance
Newcastle	The Newcastle Club	40 Newcomen Street	Lots 1 and 2 DP 997519	State
Newcastle	Claremont (Former residence)	40 Newcomen Street	Lot 2 DP 997519	State
Newcastle	Terrace House	49 Newcomen Street	Lot 61 DP 569796	Local
Newcastle	Newcomen House (Residence)	51 Newcomen Street	Lot 1 DP 794738	Local
Newcastle	Newcastle Hospital North Wing	21 Pacific Street	Lot 22 DP 880526	State
Newcastle	Former Nurses Home	30 Pacific Street	Lot 100 DP 883220	Local
Newcastle	Former Victoria Theatre	8-10 Perkins Street	Lot 1 DP 1005699	State
Newcastle	House	49 Perkins Street	Lot 1 DP 854928	Local
Newcastle	Former Superintendent's Residence	88 Scott Street	Lot 3211 DP 722246	State
Newcastle	Former Coutts Sailor Home	88 Scott Street (facing Bond Street)	Lot 3211 DP 722246	State
Newcastle	Great Northern Hotel	89 Scott Street	Lot 100 DP 834251	State
Newcastle	Former Residence	90 Scott Street	Lot 1 DP 123946	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Newcastle	Convict Lumber Yard—Stockade Site	92 Scott Street	Pt Lot 2 DP 706760, Lot 3214 DP 729000	State
Newcastle	Station Master's Residence	92 Scott Street	Pt Lot 2 DP 706760	Local
Newcastle	Former Station Master's Residence	92 Scott Street	Pt Lot 2 DP 706760	State
Newcastle	Former Railway Pay Office	92 Scott Street (facing Bond Street)	Pt Lot 2 DP 706760	State
Newcastle	Newcastle Railway Station	110 Scott Street	Lot 8 DP 720672	State
Newcastle	Centennial Hotel	127 Scott and 114 Hunter Streets	Lots 1 and 2 DP 745997	Local
Newcastle	Air Force Club (Wood Chambers)	129 Scott Street	Lot 1 DP 996093	State
Newcastle	Rundles Buildings (Former R Hall & Sons)	161 Scott Street	SP 57218	Local
Newcastle	Former Beberfaulds Warehouse	175 Scott Street	SP 35541, SP 37388	Local
Newcastle	Shepherds Hill Group (includes residence, observation post and gun placement)	41 The Terrace	Lot 3116 DP 755247	State

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Newcastle	Howard Smith Chambers	14 Watt Street	SP 16024	Local
Newcastle	Manufacturers House	35–37 Watt Street	Lot 1 DP 342578	State
Newcastle	St Phillips Church	48 Watt Street	Lot 38 DP 54152	Local
Newcastle	Watt Street Terrace	50 Watt Street	Lot 12 DP 24188	State
Newcastle	Watt Street Terrace	52 Watt Street	Lot 13 DP 24188	State
Newcastle	Watt Street Terrace	54 Watt Street	Lot 14 DP 24188	State
Newcastle	United Services Club	55 Watt Street	Lot 2 DP 609103	Local
Newcastle	Watt Street Terrace	56 Watt Street	Lot 15 DP 24188	State
Newcastle	Watt Street Terrace	58 Watt Street	Lot 16 DP 24188	State
Newcastle	Watt Street Terrace	60 Watt Street	Lot 17 DP 24188	State
Newcastle	Watt Street Terrace	62 Watt Street	Lot 18 DP 24188	State
Newcastle	Former Military Hospital	72 Watt Street	Pt DP 755247	State
Newcastle	Former Barracks	72 Watt Street	Pt DP 755247	State
Newcastle	Fletcher Monument	75 Watt Street	Ms 1135 Md	Local
Newcastle	Argyle House	311 Wharf Road	Lot 190 DP 541370	State
Newcastle	Retaining walls with sandstone steps	Wolfe Street		Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Newcastle	Segenhoe (Residential units)	50 Wolfe Street	SP 19837	Local
Newcastle East	Nobbys Lighthouse, headland and breakwater	Nobbys Road		
Newcastle East	Fort Scratchely group (Buildings and underground forts)	31 Nobbys Road	Lot 1 DP 407886	State
Newcastle East	Nobbys Beach Pavilion	35 Nobbys Road	Pt R 88721	Local
Newcastle East	Boatmans Terrace group (Residences)	36–66 Nobbys Road	Lot 1 DP 617504	Local
Newcastle East	Column from original Courthouse	Parnell Place	Pt N 137–844R	Local
Newcastle East	Coal Memorial	Parnell Place	Pt N 137–844R	Local
Newcastle East	The Retreat (Residence)	31 Parnell Place	Lot 4 DP 4296	Local
Newcastle East	The Carlton (Residential units)	19 Scott Street	SP 39163	Local
Newcastle East	Former Newcastle East Police Station	63 Scott Street	Lot 328 DP 758769	State
Newcastle East	Soldiers Baths	Shortland Esplanade		State

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Newcastle East	Ocean Baths	30 Shortland Esplanade	Pt Ms 1133 Md	Local
Newcastle East	Stevenson Place Precinct (Terraces)	1–55 Stevenson Place		Local
Newcastle East	Former John Bull Warehouse	28 Stevenson Place	SP 48754	Local
Newcastle East	Former Earp Gillam Bond Store	16 Telford Street	SP 44807	State
Newcastle East	Tyrrell House (Facade only)	49 Telford Street	SP 20749	Local
Newcastle East	Stone Boat Harbour (Relic)	48 Wharf Road	Pt Lot 52 DP 791037	State
Newcastle West	Former City Bank	553–557 Hunter Street	Lots A and B DP 162398	Local
Newcastle West	Former CBC Bank	559 Hunter Street	Lot 941 DP 997920	Local
Newcastle West	Newcastle Technical College	590–608 Hunter Street	Lots 1 and 2 DP 852552	State
Newcastle West	Hunter Water Board Building	599 Hunter Street	Lot 1 DP 595677	Local
Newcastle West	Theatre Royale	669 Hunter Street	Lot 111 DP 75158	State
Newcastle West	Palais Royale	684 Hunter Street	Lot 11 DP 872463	Local
Newcastle West	Bellevue Hotel	738 Hunter Street	Lot 8 DP 1008628	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Newcastle West	Bank Corner (Former Bank of NSW)	744 Hunter Street	Lot 1 DP 75008, Lot 1 DP 196241	Local
Newcastle West	Regional Museum	787 Hunter Street	Lot 21 DP 774313	State
Newcastle West	St Josephs Convent and Sacred Heart Church and School	841 Hunter Street	Lot 2 DP 787816, Lot 1 DP 129569, Lots 38 and 39 DP 95306, Lot 1 DP 95139	Local
Newcastle West	Former Newcastle Co-operative Store	854 Hunter Street	Lot 1 DP 82517	Local
Newcastle West	Dairy Farmers Building	924 Hunter Street	Lot 2 DP 445736	Local
Newcastle West	Miss Porter's Residence	434 King Street	Lot 441 DP 998073	State
Newcastle West	Army Drill Hall	498 King Street	Lot 1 DP 222839	Local
Newcastle West	Birdwood Park	502 King Street	Pt Lots 112-118 DP 95185	Local
Newcastle West	Hamilton College of TAFE	91 Parry Street	Lot 1 DP 584429	Local
Newcastle West	Former Gasworks Office	18 Steel Street	Lot 1 DP 797175	Local
North Lambton	Residence	288 Newcastle Road	Lot 181 DP 561160	Local
North Lambton	Residence	298 Newcastle Road	Lot 101 DP 587293	Local

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Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
North Lambton	Former Reservoir Hotel	330 Newcastle Road	Lot 28 Sec B DP 1700	Local
North Lambton	Former Red Lion Hotel	414 Newcastle Road	Lot 2 DP 405066	Local
North Lambton	Quarrymans Cottage	15 Percy Street	Lot 15 Sec C DP 96	Local
Sandgate	Sandgate Cemetery	108 Maitland Road	Pt DP 755247	State
Sandgate	Sandgate Cemetery Railway Spur	108 Maitland Road		Local
Sandgate	Sandgate Cemetery Office	116 Maitland Road	Lot 2913 DP 755247	Local
Sandgate	2HD Studio	173 Maitland Road	Pt Lots 36 and 37 DP 37259, Lot 1 DP 783568, Lot 1 DP 997590	Local
Shortland	Uniting Church	272 Sandgate Road	Lot 100 DP 705646	Local
Stockton	St Pauls Anglican Church Group	2 Church Street	Pt Lot 1 DP 60307	Local
Stockton	Stockton Public School	10 Clyde Street	Lots 10 and 11 Sec 22 DP 753191, Lot 101 Sec 22 DP 192889, Lot 110 DP 821006	Local
Stockton	Mine Disaster Memorial	Cnr Clyde and Mitchell Streets		Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Stockton	Former Sister Ogden's Hospital	29 Crown Street	Lots 14 and 15 Sec A DP 6865	Local
Stockton	Stockton Horse Trough	Douglas Street		Local
Stockton	St Peter in Chains Hall	1-5 Dunbar Street	Lot 1 Sec S DP 984043, Lots 19-21 Sec B DP 6865	Local
Stockton	St Peter in Chains Presbytery	7 Dunbar Street	Lot 1 DP 840256	Local
Stockton	Stockton Centre	342 Fullerton Road	Lot 430 DP 835921	Local
Stockton	Former Locomotive Ash Pit	Fullerton Street		Local
Stockton	Prawners Slipway	Fullerton Street		Local
Stockton	Boat Harbour (Place)	Fullerton Street		Local
Stockton	The Laurels (Residence)	48 Fullerton Street	Lot 1 DP 731739	State
Stockton	Former Callen Residence	118 Fullerton Street	Lot A DP 314946	Local
Stockton	Boatrowers Hotel	130A Fullerton Street	Lot 6 Sec 10 DP 192889	Local
Stockton	Copse of Acacia Karroo (trees)	201 Fullerton Street	Lot 1 DP 529611	Local

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Suburb	Item name	Address	Property description	Significance
Stockton	The Ballast Ground (Place)	Fullerton Street and Wharf Crescent		Local
Stockton	Stockton Fire Station	36 Hereford Street	Lot 15 Sec 12 DP 753191	Local
Stockton	St Giles Presbyterian Church	91 Hereford Street	Lot 1 DP 1000364	Local
Stockton	Former St Paul's Rectory	32 Maitland Street	Lot 1 DP 343745	Local
Stockton	General Washington Hotel	1 Mitchell Street	Lot 1 DP 82959, Lots 58 and 59 DP 753191	Local
Stockton	Former Savoy Picture Theatre	68 Mitchell Street	Lot 51 DP 617372	Local
Stockton	Beach Cafe	115 Mitchell Street	Lot 1 DP 949659	Local
Stockton	Residence	121–123 Mitchell Street	Lot 7 Sec 23 DP 192889	Local
Stockton	The John Slade Memorial Pavilion	124 Mitchell Street	R 79066	Local
Stockton	War Memorial	124 Mitchell Street	Closed Road— (R 79066)	Local
Stockton	Former Sister Brown's Residence	139 Mitchell Street	Lot 1 DP 323545	Local
Stockton	Ocean View Flats	179 Mitchell Street	Lot 201 DP 614477	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Stockton	Former Police Station/Residence	1A Newcastle Street	Pt Lot 4 DP 213040	Local
Stockton	Wreck of Adolphe	Pitt Street	Off Breakwater	Local
Stockton	Residence	1 Queen Street	Lot 1 DP 799919	Local
Tarro	Tarro Substation	6A Anderson Drive	Lot 1 DP 701060	Local
Tarro	Our Lady of Lourdes Church	42 Anderson Drive	Pt Lot 59 DP 755205	Local
Tarro	Residence	29 Eastern Avenue	Lot 100 DP 849413	Local
Tarro	Tarro Community Hall	2A Northern Avenue	Lot 3 Sec F DP 13126	Local
Tarro	Pumping Station	3 Woodberry Road	Lot 2 DP 595526	Local
Tarro	Substation	3 Woodberry Road	Lot 2 DP 595526	Local
The Hill	Shalamah (Residence)	4 Barker Street	Lots 1 and 2 DP 195186	Local
The Hill	Jesmond House (Residence)	10 Barker street	Lots A and B DP 153708	State
The Hill	Newcastle East Public School	48 Brown Street	Lots 1-3 DP 794850	Local
The Hill	Newcastle Hill Reservoir	51 Brown Street	Lots 346 and 347 DP 758769, Lot 312 DP 54152, Lot 314 DP 54152	Local

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Schedule 6

Suburb	Item name	Address	Property description	Significance
The Hill	Marlborough House	49 Church Street	Lot 1 DP 819070	Local
The Hill	Woodlands (Residence)	51 Church Street	Lot 11 DP 634172	State
The Hill	Christchurch Cathedral	52A Church Street	Lot 3 DP 36886	State
The Hill	Lance Villa group terrace house	66 Church Street	Lot 61 DP 585966	Local
The Hill	Lance Villa group terrace house	68 Church Street	Lot 62 DP 585966	Local
The Hill	Lance Villa group terrace house	70 Church Street	Lot 161 DP 54152	Local
The Hill	Lance Villa group terrace house	72 Church Street	Lot 1 DP 770143	Local
The Hill	Lance Villa group terrace house	74 Church Street	Lot 611 DP 996843	Local
The Hill	Lance Villa group terrace house	76 Church Street	Lot 1 DP 852881	Local
The Hill	Lance Villa group terrace house	78 Church Street	Lot 1620 DP 817037	Local
The Hill	Minumbah (Residence)	88 Church Street	Lot 1 DP 743943	Local
The Hill	Cliff Towers (Residential units)	124 Church Street	SP 1533	Local
The Hill	The Boltons (Residence)	1 off Church Street	Lot 4 DP 37425	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
The Hill	The Boltons (Residence)	2 off Church Street	Lot 5 DP 37425	Local
The Hill	The Boltons (Residence)	3 off Church Street	Lot 6 DP 37425	Local
The Hill	The Boltons (Residence)	4 off Church Street	Lot 7 DP 37425	Local
The Hill	Dr Richard Harris' Residence	81 King Street	Lot 1 DP 63392	Local
The Hill	Cathedral Park and Cemetery	93 King Street	Lot 1 DP 36886	State
The Hill	Christchurch Parish Hall	60 Newcomen Street	Lot 1 DP 198891	State
The Hill	King Edward Park Group (includes public reserve, drinking fountain and rotunda)	3 Ordnance Street	Pt DP 54152	State
The Hill	King Edward Park Group (Bogey Hole) Public Baths	3 Ordnance Street	Pt DP 54152	State
The Hill	Obelisk	3 Ordnance Street	Pt DP 54152	State
The Hill	St Mary's Star of Sea Church	54 Perkins Street	Lot 103 DP 713990	State
The Hill	Residence	56 Perkins Street	Lot 104 DP 713990	Local
The Hill	House	58 Perkins Street	Lot 1 DP 996157	Local
The Hill	Terrace	60 Perkins Street	Lot 1 DP 712325	Local

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Suburb	Item name	Address	Property description	Significance
The Hill	Terrace	62 Perkins Street	Lot 1 DP 731703	Local
The Hill	Terrace	64 Perkins Street	Lot 1 DP 783710	Local
The Hill	Three Storey House (also known as Corlette's Cottage)	2 The Terrace	Lot 1 DP 198906	State
The Hill	Terrace (Pacific House)	4 The Terrace	Pt Lots 14 and 15 Sec Q DP 978941	Local
The Hill	House	6 The Terrace	Lot B	Local
The Hill	Terrace	8 The Terrace	Pt Lot 13 Sec Q DP 978941	Local
The Hill	Terrace	10 The Terrace	Pt Lot 13 Sec Q DP 978941	Local
The Hill	Terrace	12 The Terrace	Lots 1 and 2 DP 193906	Local
The Hill	Terrace	14 The Terrace	Lot 1 DP 136805	Local
The Hill	Terrace	16 The Terrace	Lot 11 Sec Q DP 978941	Local
The Hill	Terrace	20 The Terrace	Lots 5 and 6 DP 732782	Local
The Hill	Terrace	22 The Terrace	Lot 1 DP 986478	Local
The Hill	Terrace	24 The Terrace	Lot 1 DP 198415	Local
The Hill	Terrace	26 The Terrace	Lot 8 DP 742527	Local
The Hill	Terrace	28 The Terrace	Lot 7 Sec Q DP 978941	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
The Hill	Terrace	30 The Terrace	Lot 1 DP 198361	Local
The Hill	Terrace	32 The Terrace	Lot 100 DP 809379	Local
The Hill	Terrace	38 The Terrace	Lot 1 DP 112366	Local
The Hill	Terrace House (Hill House)	40 The Terrace	Lot 1 DP 735348	State
The Hill	Hillside (Residence)	24 Tyrrell Street	Lot 1 DP 197834	Local
The Hill	Beacon Tower (Landmark)	76 Tyrrell Street (cnr Brown and Tyrrell Streets)	Lot 102 DP 1020129	State
The Junction	Brien Street Terraces	6–14 Brien Street	Lot 1 DP 741600, Lot 1 DP 799556, Lot 1 DP 996600, Lot 1 DP 743276, Lot 1 DP 798066	Local
The Junction	Farquhar Street Terraces	3–9 Farquhar Street	Pt Lot 9, Lot 1 DP 112625, Lot 1 DP 797573	Local
The Junction	Rowland Park War Memorial	77A Glebe Road	Lot 108 DP 95290	Local
The Junction	Rowland Park	77A Glebe Road	Lot 108 DP 95290	Local
The Junction	Rowland Park Fountain	77A Glebe Road	Lot 108 DP 95290	Local
The Junction	War Memorial	Kenrick Street		Local

Newcastle Local Environmental Plan 2003

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Schedule 6

Suburb	Item name	Address	Property description	Significance
The Junction	The Junction Primary School	2 Watkins Street	Lots 1–8 DP 795234, Lot 1 DP 592431, Lot 1 DP 159535, Lot 1 DP 164214	Local
Tighes Hill	Tighes Hill School of Arts	15 Elizabeth Street	Lot 12 Sec E DP 230	Local
Tighes Hill	Tighes Hill Public School	33 Elizabeth Street	Lots 7–14 Sec F DP 61, Lot 1 DP 795035	Local
Tighes Hill	Former Police Lock-up	66 Elizabeth Street	Lots 4 and 5 Sec C DP 454	Local
Tighes Hill	Royal Oak Hotel	207 Maitland Road	Lot 1 DP 513115	Local
Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Lot 100 DP 1004331	State
Tighes Hill	Immaculate Heart of Mary Church	16 Tighes Terrace	Lot 2 DP 578946	Local
Tighes Hill	Convent of Mercy	38 Union Street	Lots 29 and 30 DP 32507	Local
Wallsend	Federal Park	2 Boscawen Street	Ms 818 Md	Local
Wallsend	RM Evans Funeral Chapel	5 Bunn Street	Lot 1 DP 779152	Local
Wallsend	Clarens House	4 Campbell Street	Lot 1 DP 795472	Local

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Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Wallsend	Clarke Street Cottages	32–34 Clarke Street	Lot 1 Sec E DP 799569, Lot 9 DP 977871	Local
Wallsend	Former School of Arts (Fellowship House)	69 Cowper Street	Lot 1 DP 709819	Local
Wallsend	Railway Goods Shed	76 Cowper Street	Lot 27 DP 598215	State
Wallsend	Terminus Hotel	77 Cowper Street	Lot 1 DP 75085	Local
Wallsend	Stables	81 Cowper Street	Lot 30 DP 625168	Local
Wallsend	Colliery Inn	87 Cowper Street	Lot 1 DP 76381	Local
Wallsend	Wallsend Fire Station	27 Devon Street	Lot 1 DP 78016	Local
Wallsend	Wallsend Precinct—Courthouse	18 Harris Street	Lot 1 DP 199628	Local
Wallsend	Former Grapes Inn	20 Kemp Street	Lot 52 DP 529189	Local
Wallsend	Wallsend Park	47 Lake Road	Pt Lot 1 DP 724075	Local
Wallsend	Woodlands House	100 Lake Road	Lot 1 DP 337878	Local
Wallsend	Wallsend Hospital Median Garden	Longworth Avenue		Local

Newcastle Local Environmental Plan 2003

Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Wallsend	Wallsend Drug and Alcohol Centre	10 Longworth Avenue	Lots C-F DP 312480, Lot 1 DP 315099	Local
Wallsend	Wallsend Hospital	10 Longworth Avenue	Lots C-F DP 312480, Lot 1 DP 315099	Local
Wallsend	Wallsend Masonic Hall	4 Metcalfe Street	Lot 1 DP 1037615	Local
Wallsend	Newcastle Muslim Association (Building)	6 Metcalfe Street	Lot 1 DP 795032	Local
Wallsend	St Lukes Anglican Church	22 Metcalfe Street	Lot 1 Sec 3 DP 29	Local
Wallsend	Wallsend Public School	67 Metcalfe Street	Lots 1-4 DP 122513, Lot 1 DP 122511, Lot 9 Sec 15 DP 29, Lots 11- 14 Sec 15 DP 29, Lots 2 and 3 DP 529635, Lots 2 and 3 DP 533593	Local
Wallsend	Racecourse Hotel	11 Minmi Road	Lot 1 DP 76498	Local
Wallsend	Lemon Grove Hotel	112 Nelson Street	Lot 1 DP 87351	Local
Wallsend	St Andrews Presbyterian Church	144 Nelson Street	Pt Lot 6 Sec 16 DP 29	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Wallsend	Plattsburg Public School	2 Ranclaud Street	Lots 1 and 2 DP 794917	Local
Wallsend	Wallsend Precinct—Police Station	12 Tyrrell Street	Pt B DP 111245	State
Wallsend	Wallsend Precinct—Post Office	14 Tyrrell Street	Lots 1–4 DP 724548	State
Wallsend	Wallsend Precinct—Public Reserve (Wallsend Rotunda Park)	18 Tyrrell Street	Ms 497 Md	Local
Wallsend	Whitton Street Postal Pillar Box	Whitton Street		Local
Waratah	Waratah Police Station	96 Georgetown Road	Lot 180 DP 755247	Local
Waratah	Former Hanbury Public School group	98 Georgetown Road	Lot 58A DP 755247, Lot 3 DP 755247	Local
Waratah	Mereyulh (Residence)	38 High Street	Lot B DP 380948	Local
Waratah	Carclew (Residence)	25 Lambton Road	Lot 2 DP 339828	Local
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lots 1–18 Sec A DP 192666	State
Waratah	Corpus Christi Catholic Church	30 Lorna Street	Lots 1–4 Sec A DP 192666	Local
Waratah	Braeside (Residence)	37 Lorna Street	Lot 31 DP 96026	Local

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Schedule 6

Suburb	Item name	Address	Property description	Significance
Waratah	Cottage	21 Platt Street	Lot 4 DP 731746	Local
Waratah	Cottage	23 Platt Street	Lot 1 DP 136538	Local
Waratah	Waratah School of Arts	12 Station Street	Lot 252 DP 755247	Local
Waratah	Town Hall Hotel	29 Station Street	Lot 11 DP 735547	Local
Waratah	Cottage	92 Station Street	Lot A DP 155095	Local
Waratah	Former Waratah Post Office	22 Turton Road	Lot 1 DP 773179	Local
Waratah	Waratah Technology High School	26 Turton Road	Lot 2694 DP 755247, Lot 2717 DP 755247, Lot 3179 DP 755247	Local
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3 DP 852177	State
Waratah	Remnant Plantings	149 Turton Road	Lot 3 DP 852177	Local
Waratah	Waratah Park and Station Street Palms	2A Young Street	Lot 3189 DP 44990	Local
Wickham	Former Wickham Town Hall	12 Albert Street	Lot 2 DP 538523	Local
Wickham	Former Council Chambers	18A Albert Street	Lot 3175 DP 755247	Local

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Suburb	Item name	Address	Property description	Significance
Wickham	Hawkins Oval	22 Albert Street	Ms 4983 Md, Pt Lot 152 DP 755247, Pt Lot 166 DP 755247	Local
Wickham	Hawkins Oval Memorial	22 Albert Street	Ms 4983 Md, Pt Lot 152 DP 755247	Local
Wickham	Former Police Lock-up	25 Albert Street	Lot 12 DP 1005516	Local
Wickham	Dalgety Warehouse	49 Annie Street	Lot 2 DP 346352	Local
Wickham	Elders Warehouse	57 Annie Street	Lot 1 DP 346352	Local
Wickham	R A Ritchie & Sons & Hudson Bros Engineering (Former industrial site)	20 Greenway Street	SP 31620	Local
Wickham	Wickham Railway Station	Hannell Street	Railway land	Local
Wickham	Signal Box—Wickham	Hannell Street	Railway land	Local
Wickham	Former School of Arts	22A Hannell Street	Lot 1 DP 1009228	Local
Wickham	Wickham Public School	54 Hannell Street	Lot 1 DP 850430	Local
Wickham	Former Infants School	64 Hannell Street	Lot 3203 DP 723289	Local

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Heritage items and heritage conservation areas

Schedule 6

Suburb	Item name	Address	Property description	Significance
Wickham	Albion Hotel	72 Hannell Street	Lot 1 DP 76135	Local
Wickham	Stella Maris Seamans Mission	102 Hannell Street	Lot A DP 386601	Local
Wickham	The Salvation Army Men's Hostel	116-120 Hannell Street	Lot 1 DP 217399, Lot 1 DP 90935	Local
Wickham	Lass O'Gowrie Hotel	14 Railway Street	Lot 1 DP 774645	Local

Part 2 Heritage conservation areas

Description	Identification on Zoning Map
Cooks Hill	Shown by a heavy black broken line and marked "Cooks Hill Heritage Conservation Area"
Hamilton Business Centre	Shown by a heavy black broken line and marked "Hamilton Business Centre Heritage Conservation Area"
Hamilton South "Garden Suburb"	Shown by a heavy black broken line and marked "Hamilton South 'Garden Suburb' Heritage Conservation Area"
Newcastle City Centre	Shown by a heavy black broken line and marked "Newcastle City Centre Heritage Conservation Area"

Newcastle Local Environmental Plan 2003

Schedule 6 Heritage items and heritage conservation areas

Description	Identification on Zoning Map
Newcastle East	Shown by a heavy black broken line and marked "Newcastle East Heritage Conservation Area"
The Hill	Shown by a heavy black broken line and marked "The Hill Heritage Conservation Area"

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**REVOCAION OF DECLARATION UNDER SECTION 76A (7)**

I, the Minister for Infrastructure and Planning, under sections 76A (7) and 4 (7A) of the Environmental Planning and Assessment Act 1979, revoke the declaration made by the then Minister for Urban Affairs and Planning on 29 June 2001 for the development specified in the Schedule.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning

SYDNEY, 29 July 2003.

SCHEDULE 1

Shopping centre development within all those pieces or parcels of land in the Waverley and Woollahra local government areas comprising:

- Lot 510 in DP 594079
- Lot 511 in DP 594079
- Lot 1 in DP 976951
- Lot 101 in DP 536906
- Lot 1 in DP 914351
- Lot 2 in DP 218490.

Natural Resources

WATER ACT 1912

Notice of Restrictions Under Section 22 (B)

THE Water Administration Ministerial Corporation notifies licence and authority holders of the restrictions on the taking and using of water from the Lower Darling Regulated River as follows:

1. Irrigation licences and authorities used to irrigate permanent plantings (viticulture and horticulture) established before 30 June 2003, may only pump that quantity of water as set out in Attachment A.
2. Non-permanent plantings will not be permitted to be irrigated during the period of the restriction.
3. Water diverted for licensed stock and domestic purposes, or under Basic Rights, must not be used for commercial irrigation purposes.
4. The restriction imposed by this Notice operates from the date of its publication in the *Government Gazette* and remains in force until a further Notice amending or cancelling it is published.
5. The restriction applies to all licences and authorities referred to in 1 above held on properties on the Darling River, from adjacent to "Billilla" homestead on Lot 3671, DP 766053, County of Livingstone, downstream to the north east corner of Lot 11, DP 756952, Parish of Menindee, County of Wentworth. The restriction also applies to Copi Hollow.

This notice replaces the previous notice published in the *Government Gazette* on Friday, 27 June 2003.

Dated this day 6th of August 2003.

Signed for the Water Administration Ministerial Corporation.

DAVID HARRISS,
Regional Director,
Murray Region,
Department of Infrastructure, Planning
and Natural Resources
(by delegation).

Attachment A

Permanent Plantings	Total Water Available from July 2003 to 30 September 2003
Vines	0.3 ML/ha *
Citrus	1.6 ML/ha *
Other Orchard	0.7 ML/ha *
All Other	0.0 ML/ha

* ha means the area of land under that crop as at 30 June 2003.

WATER ACT 1912

Tamworth Local Land Board

Notice of Hearing Under Part 2 of the Water Act

THE Local Land Board for the Land District of Tamworth will sit at 10.00 a.m. on Wednesday, 27 and Thursday, 28 August 2003 in the Country Comfort Motel Conference Room (New England Highway), 293 Marius Street, Tamworth.

The hearing will publicly inquire as to the desirability of granting applications by:

ROSTRY PTY LIMITED for a licence under section 10 of the Water Act, for a pump on part Reserve adjacent to Lot 154, DP 755319, Parish of Bective, County of Parry, for industrial purposes (Reference: 90SL100625), and

ROSTRY PTY LIMITED for a licence under section 10 of the Water Act, for a pump on Lot 3, DP 753552, Parish of Tangaratta, County of Parry, for industrial (poultry) and stock purposes and to irrigate 33 hectares (Reference: 90SL100626).

GEOFF CAMERON,
Resource Access Manager,
Barwon Region.

WATER ACT 1912

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

Applications for authorities under section 20 of Part 2 of the Water Act 1912, have been received as follows:

Barwon/Darling River Valley

WYONA PTY LTD, Mark Hurtle CROZIER and Charles PHIPPS for 1 pump on the Great Darling Ana-Branch, Lot 395/761043, Parish of Power, County of Windeyer, water supply for stock and domestic purposes (replacing a licence with an authority for a joint water supply scheme) (Reference: 60SA008566).

Alexander Ross McLEOD, Fiona Stacey McLEOD and Mark Hurtle CROZIER for 2 pumps on the Great Darling Ana-Branch, Lot 1/757129, Parish of Power, County of Windeyer, water supply for stock and domestic purposes (replacing a licence with an authority for a joint water supply scheme) (Reference: 60SA008567) (GA2:512576).

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

P. WINTON,
Natural Resource Project Officer,
Murray Region.

Department of Infrastructure, Planning and
Natural Resources,
32 Enterprise Way (PO Box 363), Buronga, NSW 2739.
Telephone: (03) 5021 9400.

WATER ACT 1912

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

Applications for licences, under section 10 of Part 2 of the Water Act 1912, have been received as follows:

Murray River Valley

Daryl Raymond HALL for a pump on the Wakool River on road reserve east of Lot 50, DP 756533, Parish of Cunninyeuk, County of Wakool, for water supply for domestic purposes (new licence) (Reference: 50SL75578) (GA2:477277).

Patrick Francis DILLON and Marie Regina DILLON for a pump on Merran Creek on Lot 1, DP 134497, Parish of Toolmah, County of Wakool, for water supply for stock and domestic purposes and irrigation (new licence due to the division of an existing licence) (Reference: 50SL75579) (GA2:477278).

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

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

L. J. HOLDEN,
Acting Senior Natural Resource Officer,
Murray Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 205, Deniliquin, NSW 2710.

WATER ACT 1912

AN application under Part 2, within proclaimed (declared) local areas 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:

Macquarie River Valley

Dawn Annette BEAUCHAMP and Kevin Seth BEAUCHAMP for 2 pumps on Cheshire Creek and unnamed watercourses, Lots 4, 5, 21, 43 and 60, DP 755804 and 3 dams on unnamed watercourses, Lots 4, 43 and 60, DP 755804, all Parish of Winburn, County of Roxburgh, for conservation of water and water supply for stock and domestic purposes and irrigation of 10 hectares (lucerne, summer and winter cereals) (replacing and combining existing entitlements — no increase in entitlement) (Reference: 80SL96117).

AN APPLICATION for a new authority for Joint Water Supply under section 20 for works within a proclaimed (declared) area as generally described hereunder has been received from:

George Wellesley PHILIPSON and OTHERS for a pump on the Macquarie River, Lot 7002, DP 754313 (TSR1064), Parish of Geurie, County of Lincoln, for water supply for stock and domestic purposes (replacing existing licence) (Reference: 80SA10608) (GA2:306593).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

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.

FRED HUNDY,
Water Access Manager,
Macquarie.

Department of Infrastructure, Planning and
Natural Resources
P O Box 717, Dubbo, NSW 2830.

WATER ACT 1912

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

An application for an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

Lachlan River Valley

Alison Beryl ROSS and Wendy Margot JOB and SHEPHERDS CREEK (VIC) PTY LTD for a pump on Lachlan River on Lot 20, DP 756788, Parish of Simson, County of Waradgery, for water supply for stock purposes and for irrigation of 486.00 hectares (summer and winter pasture) (amended authority) (Reference: 70SA009598) (GA2:512512).

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

D. THOMAS,
Senior Natural Resource Officer,
Water Access.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes, NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

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

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

Lachlan River Valley

Stephen Clark BEATTIE and Simone Lea BEATTIE for a pump on Lachlan River on Lot 157/753113, Parish of South Condobolin, County of Gipps, for water supply for stock purposes and for irrigation of 40.50 hectares (lucerne) (new licence — allocation obtained from existing entitlements by way of permanent transfer scheme) (Reference: 70SL090917) (GA2:512514).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

DAVID THOMAS,
Senior Natural Resource Officer,
Central West Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes, NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

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

An application for a licence under section 13A of Part 2 of the Water Act 1912, has been received as follows:

Lachlan River Valley

Jonathon Peter McRAE and Suzanne May McRAE for a pump on Lachlan River on Lot 81/752351, Parish of Bimbalingel, County of Dowling, for water supply for stock and domestic purposes (new licence) (Reference: 70SL090902) (GA2:512514).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected and must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

DAVID THOMAS,
Senior Natural Resource Officer,
Central West Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes, NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

APPLICATION for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act.

An Application for a License under Section 10 of Part 2 of the Water Act has been received as follows;

Lachlan River Valley

William Maxwell BROWN, for a pump on Lachlan River on Lot 4/132879, Parish of Bedgerebong, County of Cunningham, for water supply for irrigation of 145.33 hectares (lucerne) (New License – allocation by way of permanent transfer scheme and amalgamation of existing entitlement) (GA2:512515) (70SL090916)

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

DAVID THOMAS,
Senior Natural Resource Officer
Central West Region

Department of Infrastructure, Planning & Natural Resources
PO Box 136, FORBES NSW 2871
Phone: (02) 6852 1222

WATER ACT 1912

APPLICATIONS for Licenses under section 10 of the Water Act 1912, as amended, have been received from:

Lloyd Albert WOODS for a pump on Orara River Lot 135, DP 789434, Parish Qwyarigo, County Clarence for irrigation of 6 hectares (replacement license – no increase in authorised area or allocation) (Our Reference: 6111560) GA2:467898).

Peter Grantley ROBERTSON and Helen Louise ROBERTSON for a pump on Boyd River Lot 12, DP 40471, Parish Springbrook, County Gresham for water supply for domestic purposes (new license) (Our Reference: 6136330).

Bertram John Fiennes WRIGHT and Alison Fiennes ATTARD and Maxwell Gordon BROWNING TRading as GOSTWYCK ESTATES for a dam and a pump on Julia Gully Lot 1, DP 227322, Parish Gostwyck, County Sandon for conservation of water and water supply for stock and domestic purposes (new license) (Our Reference: 6136363) GA2:467891).

Kevin William SINCLAIR for a dam and a pump on an Unnamed Watercourse Lot 314, DP 755550, Parish Nambucca, County Raleigh for conservation of water for stock and domestic purposes (new license) (Our Reference: 6135677) GA2:467896).

VALERY FARMPTY LTD for a pump on Bellinger River Lot 4, DP 584255, Parish Dudley, County Raleigh for water supply for domestic purposes (new license) (Our Reference: 6135520) GA2:467897.

KEITH CHARLES BOULTER for a pump on Leycester Creek Easement within Lot 2, DP 714970, Parish Jiggi, County Rous for water supply for stock and domestic purposes (new license) (Our Reference: 6123504) (GA2:467899).

Robert James AUCKRAM for a pump on an Unnamed Watercourse Easement within Lot 73, DP 6029, Parish Geneva, County Rous for water supply for stock and domestic purposes (new license) (Our Reference: 6021705).

Ross Hunter McKINNON and Debra Joy McKINNON for a pump on Skinners Creek, Easement within Lot 4, DP 258426, Parish Teven, County Rous for water supply for stock and domestic purposes (new license) (Our Reference: 6322034).

AN APPLICATION for a Joint Water Supply Authority under section 20E of the Water Act 1912, as amended, has been received from:

Norman Dudley PICCOLI and Allan Leslie PICCOLI, Frank Clarence HATHAWAY and Joy Ann HATHAWAY, John CAPERON and Alison Ford CAPERON and William John BATES and Judith Anne BATES for a pump on Rocky Creek Lot 1, DP 118985, Parish Dunoon, County Rous for water supply for farming (fruit spraying) purposes and irrigation of 36 hectares (replacement application – new member, no increase in authorised area or allocation) (Our Reference: 6129640).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager
North Coast Region
Grafton

WATER ACT 1912

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

Murrumbidgee Valley

Adrian HAERTSCH and Christine Ann HAERTSCH for a bore on Lot 18, DP 750832, Parish of Currawananna, County of Bourke for irrigation purposes. New License. 40BL189560. This application conforms with the current groundwater embargo as the bore site is outside the embargoed area.

Philip Anthony JONES and Sharon May JONES for a bore on Lot 1, DP847957, Parish of Bango, County of King for irrigation purposes. (Upgrade of License 40BL189121) New License. 40BL189540.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 8th August 2003 as prescribed by the Act.

S. F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Infrastructure, Planning & Natural Resources
PO Box 156, LEETON NSW 2705

WATER ACT 1912

APPLICATIONS for a licence under Part 5 of the Water Act 1912, as amended, has been received as follows:

Murrumbidgee Valley

Trevor Ronald HALL and Cheryl Diane HALL, for a bore on Lot 1, DP 609818, Parish of Wilkie, County of Harden, for irrigation of approximately 101 hectares (orchard) (application to convert existing Test Bore Licence — Constructed) (Reference: 40BL189586).

Christopher Ronald HALL and Anthony Jaspar HALL, for a bore on Lot 2, DP 938436, Parish of Wilkie, County of Harden, for irrigation of 24 hectares (orchard) (application to convert existing Test Bore License — Constructed) (Reference: 40BL189587).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 11 September 2003, as prescribed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region.

Department of Infrastructure, Planning and
Natural Resources,
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

John Alan MIGUEL for a pump on the Turragulla Creek on Lot 20, DP 750301, Parish of Pilliga, County of Baradine for irrigation of 162 hectares (cotton, grains, fodder). New Licence due to re-location of pumpsite – no increase in entitlement. L.O. Papers 90SL100703. GA2368390.

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 Infrastructure, Planning & Natural Resources
PO Box 550, TAMWORTH NSW 2340

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

Raymond Morris HARRISON and Charmaine Rose HARRISON for one (1) pump on the Mole River on Lots 26 and 40, DP 751515, Parish of Gibraltar, County of Clive for water supply for stock and domestic purposes and irrigation of 1.6 hectares – 10 megalitres (subdivision of existing entitlement). This notice is in lieu of a previous notice due to incorrect County being stated. L.O. Papers 90SL100693. GA2368392.

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 Infrastructure, Planning & Natural Resources
PO Box 550, TAMWORTH NSW 2340

Department of Lands

BOARD OF SURVEYING AND SPATIAL INFORMATION

Department of Lands

Panorama Avenue (PO Box 143), Bathurst, NSW 2795

Phone: (02) 6332 8238 Fax: (02) 6332 8240

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, Clause 10 (1) (a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

Name	Address	Effective Date
Cheryl Margaret ANDERSON.	1 Kokoda Terrace, Narara, NSW 2250.	17 July 2003.
Sary John STEIGENBERGER.	42 Corio Street, Shepparton, Vic., 3632.	4 July 2003.

W. A. WATKINS,
President.

G. K. A. LEATHERLAND,
Registrar.

SURVEYING (PRACTICE) AMENDMENT REGULATION 2003

Certificate of Meritorious Service

PURSUANT to the provisions of Clause 4K of the Surveying (Practice) Amendment Regulation 2003, the undermentioned Land Surveyor has been awarded a Certificate of Meritorious Service in recognition of his long service and contribution to the surveying profession in New South Wales, with effect 30 July 2003.

Name	Date of Original Registration	Removed from Register
Malcolm Phillip THOMSON.	23 March 1961.	27 July 2003.

W. A. WATKINS,
President.

G. K. A. LEATHERLAND,
Registrar.

SURVEYING ACT 2002

Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, Clause 10 (1) (a), the undermentioned Surveyors have been removed from the Register of Surveyors for the reasons shown.

Name	Date of Removal	Reason	Original Registration Date
James William CADDEY.	1 July 2003.	at own request.	14 September 1984.
Malcolm Phillip THOMSON.	27 July 2003.	at own request.	23 March 1961.

W.A. WATKINS,
President.

G. K. A. LEATHERLAND,
Registrar.

DUBBO OFFICE
Department of Lands
142 Brisbane Street (PO Box 865), Dubbo, NSW 2830
Phone: (02) 6841 5200 Fax: (02) 6841 5231

**DRAFT ASSESSMENT OF LAND AT TOORAWEEAH
UNDER PART 3 OF THE CROWN LANDS ACT 1989
AND CROWN LANDS REGULATIONS 2000**

A DRAFT Land Assessment has been prepared for Crown Land situated at Oberon, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr. Kite and Anson Streets, Orange 2800 (PO Box 2146) Gilgandra Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 8 August 2003, and should be addressed to Louise Harcombe, Orange at the above address.

TONY KELLY, M.L.C.,
Minister assisting the Minister for
Natural Resources (Lands)

Description

*Parish – Cobbinbil; County – Gowen;
Land District – Coonamble; Shire – Gilgandra.*

Land consists of 8.9 hectares consisting of Lots 58 and 59, DP 753377, currently held as licence 313656, held by David Rodney Peart. Land fronts the Baronne Creek, approximately 28km north-west of Tooraweenah. These parcels were previously the site of the Quandong Public School, and are the subject of a purchase application.

File No.: DB89 H 63.

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

ROADS ACT 1993

ORDER

Correction of Defective Instrument

IN pursuance of the provisions of the Roads Act 1993, section 257, the Instrument contained within *Government Gazette* of 1 August, Folio 7586, under the Goulburn Office heading "Roads Act 1993, Order, Transfer of Crown Road to a Council" in the Parish of Norrong/Rhyana, County of Argyle, is hereby amended by the addition in the description "and Crown road west of Lot 95, DP 750040 and east of Lot 1, DP 558758".

File No.: GB03 H 245.jk.

GRAFTON OFFICE
Department of Lands
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
The person for the time being holding the office of Treasurer, Glenreagh Little Athletics Incorporated (ex-officio member) Sharon Leslie KINNEAR (new member) Michelle Leanne IRWIN (new member) Andrew Charles Cameron McPHERSON (new member) Gloria Caval HYATT (re-appointment) Samuel Joseph HYATT (re-appointment)	Glenreagh Public Recreation Reserve Trust	Reserve No.: 81867 Public Purpose: Public Recreation Notified: 21 August 1959 File No.: GF81 R 110

For a term commencing the date of this notice and expiring 7 August 2008.

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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Graham Arthur GORDON (re-appointment) Graham Arthur BELLMAN (re-appointment) Terrence Neil PRATT (re-appointment)	Findon Public Recreation Reserve Trust	Reserve No. 65873 Public Purpose: Public Recreation Notified: 13 March 1936 File No.: GF82 R 53

For a term commencing the date of this notice and expiring 7 August 2008.

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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Kenneth Allan McLENNAN (re-appointment) Gregory John GULLIVER (new member) Ross Kenneth HINES (re-appointment) Terry Allan SPENCER (re-appointment) Reginald William SPENCER (re-appointment) Eric Reginald TAYLOR (re-appointment) Peter Leslie TAYLOR (re-appointment)	Woodenbong Public Hall Trust	Dedication No. 540077 Public Purpose: Public Hall Notified: 3 October 1958 File No.: GF81 R 267

For a term commencing the date of this notice and expiring 7 August 2008.

GRIFFITH OFFICE
Department of Lands
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670

APPOINTMENT OF TRUST BOARD MEMBERS**SCHEDULE**

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 thereunder, 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.

COLUMN 1

John Brian
SANDOW
(new member).

COLUMN 2

Barmedman
Mineral Pool
Reserve Trust.

COLUMN 3

Reserve No.: 79792.
Public Purpose:
Public recreation.
Notified: 9 August 1957.
File No.: GH93 R 43/2.

Term of Office

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

For a term commencing this day and expiring 17 June
2004.

DEPARTMENT OF LANDS

Queens Square, Sydney, NSW 2000
Phone: (02) 9228 6606 Fax: (02) 9235 1915

SURVEYING REGULATION 2001**ORDERS**

ON the recommendation of the Board of Surveying and Spatial Information, and pursuant to Clause 3A of the Surveying Regulation 2001, I make the following Orders giving directions with respect to the conduct of mining surveys:

Order No. 1 – that the amendments to the document entitled ‘Survey and Drafting Directions for Mine Surveyors’, published in the *Government Gazette* of 25 June 2003, at pages 5941 to 5946 (inclusive) and pages 5951 to 5970 (inclusive) and the erratum to those amendments published in the *Government Gazette* of 1 August 2003, at page 7592, are amendments to that document for purposes of Clause 3A (3) of the Surveying Regulation 2001.

Order No. 2 – that the amendments to the document entitled ‘Survey and Drafting Directions for Mining Surveyors’ published in the *Government Gazette* of 25 June 2003, at pages 5947 to 5950 (inclusive), are amendments to that document for the purposes of Clause 3A (4) of the Surveying Regulation 2001.

W. A. WATKINS,
Surveyor-General.

MAITLAND OFFICE
Department of Lands
Newcastle Road (PO Box 6), East Maitland, NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

Description

Parish – Tomaree; County – Gloucester;
Land District – Newcastle;
Local Government Area – Port Stephens.

Road Closed: Lots 1 and 2, DP 1052532 at Nelson Bay.

File No.: MD01 H 156.

SCHEDULE

On closing, the land within Lots 1 and 2, DP 1052532 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: E566-004.

Description

Parish – Gosford; County – Northumberland
Land District – Gosford;
Local Government Area – Gosford.

Road Closed: Lot 1, DP 1047295 at Lisarow.

File No.: MD99 H 165.

SCHEDULE

On closing, the land within Lot 1, DP 1047295 remains vested in Gosford City Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: 6795.06.00.

NOWRA OFFICE
Department of Lands
5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541
Phone: (02) 4428 6900 Fax: (02) 4428 6988

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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Gregory Neville TARGETT (re-appointment)	Tantawanglo Recreation Reserve Trust	Dedication No.: 580059 Public Purpose: Public Recreation Notified: 14 March 1881 File No.: NA80 R 426/1
Geoffery Peter HEFFERNAN (re-appointment)		
Raymond Clifford RYAN (new member)		
Ian William LUCAS (new member)		
Judith Anne WINTERS (new member)		
Linda Carol RANSON (new member)		
Stephen George TARGETT (re-appointment)		

Term of Office

For a term commencing this day and expiring 7 August 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
John Francis TURVILLE (new member)	Tathra Forest Wildlife Reserve Trust	Reserve No. 180014 Public Purpose: Promotion of The Study and Conservation of Native Flora and Fauna Notified: 10 April 1987 File No.: NA87R14/1
Stig VIRTANEN (new member)		
Nancy Joy BRUNTON (new member)		
Bruce Alexander HAMILTON (re-appointment)		
Michael MARSHMAN (re-appointment)		
Carol Margaret COOK (re-appointment)		

Term of Office

For a term commencing this day and expiring 7 August 2008.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Steve APPLETON (new member)	Nerrigundah Tennis and Recreation Trust	Reserve No.: 180024 Public Purpose: Public Recreation Notified: 4 March 1988 File No.: NA87R38/1
Donald Maurice BROWN (new member)		
Ian Ernest EBERT (re-appointment)		
Richard Peter BRUINSMA (re-appointment)		
Elizabeth Margaret KINCAID (re-appointment)		
Kerry Louise CARRADUS (new member)		
Charles William SAUL (re-appointment)		

Term of Office

For a term commencing this day and expiring 7 August 2008.

ROADS ACT 1993**Order****Transfer of a Crown Road to a Council**

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE 1**Description**

*Land District – Nowra; L.G.A. – Shoalhaven City;
 Parish – Nowra; County – St. Vincent.*

The Crown road that separates Portions 359 and 360 from Portions 361 and 362 (being the road south of Lot 24, DP 1046663) at West Nowra.

File No.: NA03 H 126.

SCHEDULE 2

Roads Authority: Shoalhaven City Council.

Reference: SF 7999-02 JP.

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

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

TONY KELLY, M.P.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Andrew MCANESPIE Manager Community Services) Sydney/ Metropolitan Department of Lands	Bulli Pass Scenic Reserve Trust	Reserve No.: 67711 Public Purpose: Public Recreation Notified: 1 July 1938 Locality: Bulli Pass File No.: NA82 R 137

For a term of up to six months commencing from 16 August 2003.

ORANGE OFFICE

Department of Lands

92 Kite Street (PO Box 2146), Orange NSW 2800

Phone: (02) 6393 4300 Fax: (02) 6362 3896

NOTIFICATION OF CLOSING OF A ROAD

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

Description

Land District – Cowra; Shire – Cowra.

Road Closed: Lot 1, DP 1049558, Parish Mulyan, County Forbes.

File No.: OE01 H 343.

Note: On closing the land remains vested in the Crown as Crown Land.

*Land District of Lithgow and L.G.A. – Oberon Shire
Council*

Road Closed: Lot 1 in DP 1052952 comprising a total area of 8010 square metres, Parish of Norway, County of Westmoreland (not being land under the Real Property Act).

File No.: OE02 H 365.

Note: On closing, title for the land comprised in Lot 1 in DP 1052952 remains vested in the Oberon Shire Council as operational land.

Council Reference: R:143.

*Land District of Bathurst and L.G.A. – Bathurst City
Council*

Road Closed: Lot 15 in DP 1055615 comprising a total area of 1907 square metres, Parish of Mount Pleasant, County of Bathurst (not being land under the Real Property Act).

File No.: OE02 H 293.

Note: On closing, title for the land comprised in Lot 15 in DP 1055615 remains vested in the Bathurst City Council as operational land.

Council Reference: JW:GH:25.00172.

SYDNEY METROPOLITAN OFFICE
Department of Lands
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935), Parramatta, NSW 2124
Phone: (02) 9895 7657 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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

—————
 Descriptions

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

Lot 1, DP 1053255 at Epping, Parish Field of Mars, County Cumberland.

File No.: MN01 H 135.

Notes: (1) On closing, title for the land in Lot 1 remains vested in Hornsby Council as operational land.

(2) The road is closed subject to the easement for electricity purposes and easement to drain water as shown in DP 1053255.

—————
Land District – Metropolitan; L.G.A. – Mosman.

Lot 14, DP 1053471 at Mosman, Parish Willoughby, County Cumberland.

File No.: MN00 H 273.

Notes: (1) On closing, title for the land in Lot 14 remains vested in Mosman Municipal Council as operational land.

(2) The road is closed subject to the easement for electricity purposes shown in DP 1053471.

CARLTON SCHOOL OF ARTS

IT is hereby notified for general information that the undermentioned persons have been appointed as trustees at a meeting of members of the Carlton School of Arts held in accordance with the provisions of section 14 of the Trustees of Schools of Arts enabling Act 1902.

I therefore in pursuance of the power given to me in the same section approve of the undermentioned persons to be trustee of the Carlton School of Arts, namely Sonya Benson and William Goggins.

File No.: MN89 R 37.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

—————
 SCHEDULE

COLUMN 1

Alison Park (D500246)
 Reserve Trust.

COLUMN 2

Dedication No. 500246 at
 Randwick, dedicated for the
 purpose of public recreation on
 4 February 1876.
 File No.: MN84 R 276.

TAREE OFFICE**Department of Lands****98 Victoria Street (PO Box 440), Taree, NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

Description

*Land District – Port Macquarie;
Local Government Area – Hastings.*

Road Closed: Lot 1, DP 1056587 at Rawdon Island, Parish of Redbank, County of Macquarie.

File No.: TE01 H 197.

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

WAGGA WAGGA DISTRICT OFFICE**Department of Lands****Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****DISSOLUTION OF RESERVE TRUST**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Howlong Public Hall Trust.	Reserve No.: 220029. Public Purpose: Public hall. Notified: 11 August 1989. File No.: WA89 R 17.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Hume Shire Council Crown Reserves Reserve Trust.	Reserve No.: 220029. Public Purpose: Public hall. Notified: 11 August 1989. File No.: WA89 R 17.

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.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE 1

*Parish – Albury; County – Goulburn;
Land District – Albury; Shire – Hume.*

The Crown public road 20.115 metres wide being that part of Griffith Drive, Splitters Creek, commencing from the boundary with the Riverina Highway continuing in a northerly direction for 560 metres.

SCHEDULE 2

Roads Authority: Hume Shire Council.

File No.: WA03 H 39.

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATION

(T03-0104)

No. 2143, HIBERNIA GOLD PTY LTD (ACN 103 295 521), area of 45 units, for Group 1, dated 30 July, 2003. (Cobar Mining Division).

MINING LEASE APPLICATIONS

(T03-0096)

No. 227, AUSTRALIAN CEMENT LIMITED (ACN 004 158 972), area of about 1.836 hectares, for the purpose of any road, railway, tramway, bridge or jetty and generation and transmission of electricity, dated 17 July, 2003. (Orange Mining Division).

(T03-0097)

No. 228, AUSTRALIAN CEMENT LIMITED (ACN 004 158 972), area of about 877.6 square metres, for the purpose of any road, railway, tramway, bridge or jetty, dated 17 July, 2003. (Orange Mining Division).

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T02-0792)

No. 2046, now Exploration Licence No. 6100, COMPASS RESOURCES N.L. (ACN 010 536 820), County of Narramine, Map Sheet (8532, 8533), area of 35 units, for Group 1, dated 21 July, 2003, for a term until 20 July, 2005.

(T03-0028)

No. 2073, now Exploration Licence No. 6105, TRITTON RESOURCES LIMITED (ACN 100 095 494), Counties of Flinders, Mouramba and Robinson, Map Sheet (8134), area of 13 units, for Group 1, dated 28 July, 2003, for a term until 27 July, 2005. As a result of the grant of this title, Exploration Licence No. 5840 has ceased to have effect.

(T03-0030)

No. 2075, now Exploration Licence No. 6101, GRAVITY CAPITAL LIMITED (ACN 009 178 689), County of Yancowinna, Map Sheet (7234), area of 18 units, for Group 1, dated 25 July, 2003, for a term until 24 July, 2005.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T02-0430)

No. 2001, RANGE RIVER GOLD NL (ACN 065 480 453), County of Narran, Map Sheet (8338). Withdrawal took effect on 30 July, 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

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

(M86-0953)

Authorisation No. 173, ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED (ACN 002 028 257), area of 129 hectares. Application for renewal received 31 July, 2003.

(M80-1479)

Authorisation No. 207, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), area of 3351 hectares. Application for renewal received 30 July, 2003.

(M80-1688)

Authorisation No. 250, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), area of 2330 hectares. Application for renewal received 30 July, 2003.

(M84-0369)

Authorisation No. 345, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), area of 3353 hectares. Application for renewal received 30 July, 2003.

(M86-0488)

Authorisation No. 388, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), area of 1290 hectares. Application for renewal received 30 July, 2003.

(C92-2001)

Exploration Licence No. 4427, OCEANIC COAL AUSTRALIA LIMITED (ACN 003 856 782), KOKAN KOGYO (AUSTRALIA) PTY LIMITED (ACN 007 294 117), MARUBENI COAL PTY LIMITED (ACN 009 932 236) and OCAL MACQUARIE PTY LIMITED (ACN 054 532 884), area of 47.2 hectares. Application for renewal received 28 July, 2003.

(T97-1164)

Exploration Licence No. 5344, LARMON PTY LTD (ACN 006 612 997), area of 6 units. Application for renewal received 22 July, 2003.

(C97-2490)

Exploration Licence No. 5525, MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), area of 692 hectares. Application for renewal received 30 July, 2003.

(T98-1218)

Exploration Licence No. 5771, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), area of 100 units. Application for renewal received 29 July, 2003.

(C02-0001)

Exploration Licence No. 5988, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), area of 7.898 square kilometres. Application for renewal received 30 July, 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T00-0142)

Exploration Licence No. 5832, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Clarendon, Map Sheet (8428), area of 6 units, for a further term until 9 April, 2005. Renewal effective on and from 31 July, 2003.

(T00-0182)

Exploration Licence No. 5841, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Taila, Map Sheet (7429), area of 5 units, for a further term until 18 April, 2005. Renewal effective on and from 28 July, 2003.

(T00-0176)

Exploration Licence No. 5856, LACH DRUMMOND RESOURCES PTY LTD (ACN 093 863 560), Counties of Bligh, Phillip and Wellington, Map Sheet (8733, 8833), area of 37 units, for a further term until 9 May, 2005. Renewal effective on and from 28 July, 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

REFUSAL OF APPLICATION FOR RENEWAL

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

(T00-0069)

Exploration Licence No. 5807, MINERAL VENTURES & RESOURCES N.L. (ACN 003 356 572), County of Roxburgh and County of Wellington, Map Sheet (8831), area of 71 units. The authority ceased to have effect on 25 July, 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T00-0057)

Exploration Licence No. 5758, MOUNT ISA MINES LIMITED (ACN 009 661 447), County of Lincoln, Map Sheet (8633, 8733), area of 23 units. Cancellation took effect on 25 July, 2003.

(C97-1013)

Petroleum Exploration Licence No. 425 (Act 1991), BLACK ROCK PETROLEUM NL (ACN 009 367 720), area of 140 blocks. Cancellation took effect on 28 July, 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

MINING ACT 1992

Order under section 368

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of section 368 of the Mining Act 1992, do by my Order, revoke the Torrington Mineral Allocation Area constituted by Order published in the *Government Gazette* dated 19 November 1993.

(T93-0784)

Signed at Sydney, this sixteenth day of July, 2003

By Her Excellency's Command

KERRY HICKEY, M.P.,
Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road
at North Woodburn and Broadwater in the
Richmond Valley Council area

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

D J Lorsch
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

—————
SCHEDULE

All those pieces or parcels of land situated in the Richmond Valley Council area, Parish of Riley and County of Richmond, shown as:

Lots 13 and 14 Deposited Plan 868043;
Lot 11 Deposited Plan 875848;
Lots 56 and 57 Deposited Plan 868042; and
Lots 14 to 15 Deposited Plan 868045.

(RTA Papers: 10/389.191)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Thornton
in the Maitland City and Newcastle City Council areas

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

D J Lorsch
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

—————
SCHEDULE

All that piece or parcel of land situated in the Maitland City Council area, Parish of Alnwick and County of Northumberland, shown as Lot 3 Deposited Plan 1045156.

AND ALSO All those pieces or parcels of land situated in the Newcastle City Council area, Parish of Alnwick and County of Northumberland, shown as Lots 4 and 5 Deposited Plan 1045156.

(RTA Papers: FPP 2M3942; RO 9/325.1192)

ROADS ACT 1993

Order - Sections 46 and 50

Declaration of changes to the road network associated with
the Eastern Distributor Tollroad in the Sydney City, and
South Sydney Council areas.

I, the Minister for Roads, pursuant to Sections 46 and 50 of the Roads Act, by this Order:

- a) Vary the route of Main Road No 592 by revoking the previously published declarations of this road and declaring as Main Road No 592 the road described in the schedule below,
- b) Declare as Main Road No 682 the road described in the schedule below, and
- c) Amend the description of Secondary Roads Nos 2005 and 2011 by revoking the previously published declarations of these roads and declaring as Secondary Roads Nos 2005 and 2011 the roads described in the schedule below.

CARL SCULLY MP
MINISTER FOR ROADS

SCHEDULE

<u>NAME AND NUMBER</u>	<u>DESCRIPTION</u>
Main Road No 592	From Eastern Distributor Tollroad via Cahill Expressway to the Sydney Harbour Bridge southern toll plaza at Millers Point, and including the ramps connecting with Macquarie Street.
Main Road No 682	From William Street at Woolloomooloo via Palmer Street and Sir John Young Crescent to Cowper Wharf Road at Woolloomooloo.
Secondary Road No 2005	From Fountain Street at Alexandria via Mitchell Road and Henderson Road to Wyndham Street at Alexandria.
Secondary Road No 2011	From O'Riordan Street at Zetland via Wyndham Street to Henderson Road at Alexandria.

(RTA Papers: RNIM 90M1533)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991****COMMUNITY LAND DEVELOPMENT ACT 1989**

Notice of Compulsory Acquisition of Land at Lane Cove West and Artarmon in the Willoughby City Council and Lane Cove Municipal Council areas.

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 Schedule 1 and the interest in land described in Schedule 2 below are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and in accordance with the requirements of the Community Land Development Act 1989 for the purposes of the Roads Act 1993.

D J Lorsch
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE 1

Lots 11 and 12 Deposited Plan 1052644, being parts of the land in Certificate of Title 1/270236 and said to be in the possession of Community Association DP270236; and

Lot 13 Deposited Plan 1052644, being part of the land in Certificate of Title CP/SP66446 and said to be in the possession of The Owners – Strata Plan 66446.

Lots 11 and 12 Deposited Plan 1052644 are excluded from the community scheme of Community Plan DP270236 and Lot 13 Deposited Plan 1052644 is excluded from the strata scheme of Strata Plan 66446 and from the community scheme of Community Plan DP270236.

2540 of 2003 is the plaint number for the action instituted in the Supreme Court of New South Wales to restructure the community scheme and the strata scheme, if necessary as a consequence of the compulsory acquisition of Lots 11, 12 and 13 Deposited Plan 1052644.

SCHEDULE 2

A lease, as described in Memorandum 8584711 recorded at Land and Property Information NSW, of all those pieces or parcels of land shown as:

Lots 1 and 2 on RTA Sketch SW0502a and Lot 34 on Deposited Plan 805818, being parts of the land in Certificate of Title Volume 1843 Folio 228, Deed of Conveyance No 370 Book 2540 and Certificate of Title 14/4639 respectively, and said to be in the possession of Willoughby City Council; and

Lots 30 and 31 Deposited Plan 718880 and Lots 11 and 12 Deposited Plan 788524, being the whole of the land in Certificates of Title 30/718880, 31/718880, 11/788524 and 12/788524 respectively and said to be in the possession of Lane Cove Municipal Council.

(RTA Papers: FPP 3M2345)

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

Notice of Compulsory Acquisition of Land at Ardglenn in the Murrurundi Shire 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 Lorsch
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

SCHEDULE

ALL that piece or parcel of Crown land situated in the Murrurundi Shire Council area, Parish of Temi and County of Buckland, shown as Lot 22 Deposited Plan 870732;

AND ALSO all that piece or parcel of Council public road situated in the Murrurundi Shire Council area, Parish of Temi and County of Buckland, shown as Lot 23 Deposited Plan 870732.

(RTA Papers: FPP 1M4002)

ROADS ACT 1993

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

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

D. H. RAMSLAND,
General Manager
Wellington Council
(by delegation from the Minister for Roads)

Schedule
1. Citation

This Notice may be cited as the Wellington B-Doubles Notice No 1/2003.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

4. Application

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

5. Routes**B-Double routes within the Wellington Council**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	-	Samuel Street, Wellington	Mitchell Highway (SH7)	Pierce Street	
25	-	Pierce Street, Wellington	Samuel Street	Nanima Road	
25	-	Nanima Road, Wellington	Pierce Street	Wellington Council Waste Depot	

ROADS ACT 1993

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

Wellington Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

D. H RAMSLAND,
General Manager
Wellington Council
(by delegation from the Minister for Roads)

Schedule
1. Citation

This Notice may be cited as the Wellington Council Road Train Notice No 2/2003

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to Road Train 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**Road Train routes within the Wellington Council**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	-	Mitchell Street, Geurie	Mitchell Highway (SH7)	Narragal Street	Daytime travel only
25	-	Narragal Street, Geurie	Mitchell Street	Paxton Street	Daytime travel only
25	-	Paxton Street, Geurie	Narragal Street	Comobella Road	Daytime travel only
25	-	Comobella Road, Geurie	Paxton Street	Ballimore Road	Daytime travel only/ 80kph limit
25	-	Ballimore Road, Geurie	Comobella Road	"Maxland Farm"	Daytime travel only/ 80kph limit

ROADS ACT 1993

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

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

D. H. RAMSLAND,
General Manager
Wellington Council
(by delegation from the Minister for Roads)

Schedule**1. Citation**

This Notice may be cited as the Wellington B-Doubles Notice No 3/2003

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008 unless it is amended or repealed earlier.

4. Application

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

5. Routes**B-Double routes within the Wellington Council**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	-	Twelve Mile Road, Wellington	Goolma Road MR 233 (Mudgee)	Brookfield Road	Daytime travel only/ 80kph limit
25	-	Brookfield Road, Wellington	Twelve Mile Road	"Riverbend Farm"	Daytime travel only/ 80kph limit

ROADS ACT 1993

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

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

ALAN BURGESS,
General Manager
Kempsey Shire Council
(by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the Kempsey Shire Council B-Doubles Notice No 3 2003.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until **1 July 2005** unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Kempsey Shire Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	7737	Crescent Head Road (RR7737)	Pacific Highway (SH10)	Tip Access Road	
25	0	North Street, Kempsey	Second Lane	River Street	

ROADS ACT 1993**Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996**

Walgett Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

JOHN BURDEN (acting in absence of General Manager, Vic North)
General Manager
Walgett Shire Council
(by delegation from the Minister for Roads)

Schedule**1. Citation**

This Notice may be cited as the Walgett Shire Council Road Train Notice No 1/2003

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to Road Train 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

The urban streets in Burren Junction excluding the following ;
Alma Street, west of Waterloo Street
Trafalgar Street, south of Inkerman Street

Other Notices

CHARITABLE TRUSTS ACT 1993

Order Under Section 12

Proposed Cy-Pres Scheme relating to the Estate of the
Late Edith Graham Kershler

Edith Graham Kershler, in her Will dated 13 September 1973, directed that a half share of the residue of her estate be given to:

‘The Mother Superior for the time being of LEWISHAM HOSPITAL, West Street Petersham conducted by ‘The Little Company of Mary’ to be applied by her for the benefit of such Hospital’.

Lewisham Hospital has now closed. However, the Sisters of the Little Company of Mary conducted, and still conduct, Calvary Hospital Kogarah, which was incorporated in 1988 to become Calvary Hospital Kogarah Incorporated. In 2001, Calvary Hospital Kogarah Incorporated, which is still controlled by the Sisters of the Little Company of Mary and which still conducts Calvary Hospital Kogarah Incorporated, changed its name to Calvary Health Care Sydney Incorporated.

I have formed the view that the gift in the testatrix’s Will to the Mother Superior for the time being of the Lewisham Hospital is a gift for charitable purposes, and have approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12(1)(a) of the Charitable Trusts Act 1993. The scheme is to apply the money for the benefit of Calvary Hospital Kogarah Incorporated.

Therefore, pursuant to section 12 of the Charitable Trusts Act 1993, I hereby order that the gift to the Mother Superior for the time being of the Lewisham Hospital be amended cy-pres to give it effect for the benefit of Calvary Hospital Kogarah Incorporated in accordance with the terms of the testatrix’s Will, such order to take effect 21 days after its publication in the Government Gazette, in accordance with section 16(2) of the Charitable Trusts Act 1993.

Date of Order: 28 July 2003.

M. G. SEXTON, SC,
Solicitor General

Under delegation from the Attorney General

CRIMINAL PROCEDURE ACT 1986

Practice Note No 124

Direction under s128 (formerly s52) of the Criminal
Procedure Act 1986

Section 52 of the Criminal Procedure Act 1986, which replaced former section 16A, has recently been renumbered as section 128 and accordingly references to section 16A in Practice Note 98 should now be read as references to section 128. Practice Note 113 is withdrawn.

Dated 5 August 2003.

J. J. SPIGELMAN,
Chief Justice

This Practice Note is available on the Supreme Court’s website: www.lawlink.nsw.gov.au/sc

ELECTRICITY SUPPLY ACT 1995

Integral Energy Australia

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement at Bulli

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Electricity Supply Act 1995*.

Dated at Huntingwood this 29th day of July 2003.

JOHN WALLACE,
General Manager Engineering Performance

Integral Energy Australia
51 Huntingwood Drive
Huntingwood NSW 2148

SCHEDULE 1

Easement for underground cables as set out in Memorandum No 3021851 filed at Land & Property Information NSW. For the purposes of this notice, “lot burdened” means Lot A DP 35975.

SCHEDULE 2

All that piece or parcel of land at Bulli in the City of Wollongong County of Camden Parish of Woonona being the site of the proposed easement for underground cables 1 wide within Lot A DP 35975 as defined in DP 1045028.

INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement at

Fairfield

Integral Energy Australia declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Electricity Supply Act 1995*.

Dated at Huntingwood this 29 day of July 2003.

JOHN WALLACE,
General Manager Engineering Performance

Integral Energy Australia
51 Huntingwood Drive
Huntingwood NSW 2148

SCHEDULE 1

Easement for switching station as set out in Memorandum No 3021852 filed at Land & Property Information NSW. For the purposes of this notice, "lot burdened" means Lot D DP82372Lot D DP82372.

SCHEDULE 2

All that piece or parcel of land at Fairfield, in the local government area of Fairfield, Parish of St Luke, and County of Cumberland, being the site of the proposed easement for switching station affecting that part of Lot D DP82372 designated (B) in DP267962.

Assigned Name:	Cornucopia Reserve
Designation:	Reserve
L.G.A.:	Blacktown City Council
Parish:	Gidley
County:	Cumberland
L.P.I. Map:	Riverstone
1:100,000 Map:	Penrith
Reference:	GNB 4950

Assigned Name:	Bila Park
Previous Name:	Old Bridge Park
Designation:	Reserve
L.G.A.:	Tumut Shire Council
Parish:	Tumut
County:	Wynyard
L.P.I. Map:	Tumut
1:100,000 Map:	Tumut
Reference:	GNB 4450

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

GEOGRAPHICAL NAMES ACT 1966

Erratum

IN the notice in the NSW Government Gazette on 2 November 1973 referring to the assignment of the name *Gogerley* as a Trigonometrical Station on the Port Hacking 1:100 000 topographic map, the spelling was incorrect. The correct spelling is *Gogerly*. This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143, Bathurst 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:	RAF Park
Designation:	Reserve
L.G.A.:	Port Stephens Council
Parish:	Sutton
County:	Gloucester
L.P.I. Map:	Port Stephens
1:100,000 Map:	Port Stephens
Reference:	GNB 4946

Assigned Name:	Buchan Point
Designation:	Headland
L.G.A.:	Randwick City Council
Parish:	Botany
County:	Cumberland
L.P.I. Map:	Bondi
1:100,000 Map:	Sydney
Reference:	GNB 4948

Department of Health, New South Wales,
Sydney, 1 August 2003

**POISONS & THERAPEUTIC GOODS ACT 1966
ORDER UNDER CLAUSE 171(1),**

**POISONS & THERAPEUTIC GOODS
REGULATION 2002.**

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171(1) of the Poisons & Therapeutic Goods Regulation 2002 an order has been made on Dr Keith Caladine of 13 Ellerslie Road, Adamstown Heights, 2289 prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation.

This order is to take effect on and from Wednesday 6 August 2003

ROBYN KRUK,
Director-General

TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

Government Printing Service

TENDERS FOR PRINTING

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

Three weeks closing Monday 25th August 2003

Tender No. 38162M

Tenders are invited on the behalf of the Department of Education and Training for the assignment of the English Language and Literacy Assessment (ELLA) 2004, 2005 and 2006 Marking Component. The successful tenderer will be able to provide proper security facilities and resources to undertake the tasks as specified in the tender document. The ELLA is a uniform test performed by Year 7 and Year 8 students across NSW. This component is for the manual marking of the two writing tasks in the test book. The marking is to be performed in a marking centre by qualified personnel. The ELLA test date is scheduled for the 2nd March 2004. For full details contact Peter Sparks 9743 8777.

Tender No 38162D

Tenders are invited on the behalf of the Department of Education and Training for the assignment of the English Language and Literacy Assessment (ELLA) 2004, 2005 and 2006 Packing and Distribution Component. The successful tenderer will be able to provide proper security facilities and resources to undertake the tasks as specified in the tender document. The ELLA is a uniform test performed by Year 7 and Year 8 students across NSW. This component is for the packing and distribution to all schools of test materials and report packs. The ELLA test date is scheduled for the 2nd March 2004. For full details contact Peter Sparks 9743 8777.

Tender No 38162S

Tenders are invited on the behalf of the Department of Education and Training for the assignment of the English Language and Literacy Assessment (ELLA) 2004, 2005 and 2006 Scanning, Editing and Reporting Component. The successful tenderer will be able to provide proper security facilities and resources to undertake the tasks as specified in the tender document. The ELLA is a uniform test performed by Year 7 and Year 8 students across NSW. This component is for the printing of test material, the electronic data capture of student results and the compiling of various report packs. The ELLA test date is scheduled for the. For full details contact Peter Sparks 9743 8777.

Tender No.38785A

Tenders are invited on behalf of Tourism NSW for the production of the Seniors Program

Tender documents will be available the 1st July 2003 at the Government Printing Service. Job consists of 750,000 copies of a 44pp + cover booklet – size 210x99mm – 4 colour process throughout.

For further information contact Gavin Potter 9743 8777.

Tender No.38785B

Tenders are invited on behalf of Tourism NSW for the production of the Wholesale Brochure

Tender documents will be available the 1st July 2003 at the Government Printing Service. Job consists of 200,000 copies of 60pp + cover booklet – size 297x210mm – 4 colour process throughout.

For further information contact Gavin Potter 9743 8777.

Three Weeks closing 1st September 2003

TENDER NO: 38947

Tenders are invited on the behalf of the NSW Department of Education and Training, for the development, production and implementation of the Computer Skills Assessment (CSA) practical component. The Tenderer must provide proper security facilities and resources to undertake all tasks as specified in the tender document. The Computer Skills Assessment (CSA) practical component is a test administered to Year 6 students via computers in schools throughout NSW.

The Tenderer is required to design and develop software in consultation with the Department of Education and Training, make available to schools throughout NSW via internet or CD, collect the student responses and supply data to be used for reporting on the student results.

ENQUIRIES: Peter Sparks 9721 9834

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BALLINA SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

THE Ballina Shire Council hereby gives notice that pursuant to section 10 of the Roads Act 1993, that the land described in the Schedule below is to be dedicated as public road. Dated 14th July, 2003. S. McPHERSON, General Manager, Ballina Shire Council, 40 Cherry Street, Ballina, NSW 2478.

SCHEDULE

Lot 5, DP 261363; Lots 3 and 4, DP 806001; Lots 29, 30, 31, 32 and 33, DP 806002; Lots 13, 14 and 15, DP 806003.

[0579]

PORT STEPHENS COUNCIL

Roads Act 1993, Section 10

PORT STEPHENS COUNCIL hereby gives notice pursuant to section 10 of the Roads Act 1993, that the Council owned lands described in the Schedule below are dedicated as a public road. P. GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace, NSW 2324. Council File: 5360-036 and 5425-005.

SCHEDULE

Lot 9, DP 1015409; Lot 3, DP 1042475.

[0570]

SHELLHARBOUR CITY COUNCIL

Roads Act 1993, Section 10

THE Council of the City of Shellharbour dedicates the land described in the Schedule below as public road under section 10 of the Roads Act 1993. B. A. WEIR, General Manager, Shellharbour City Council, PO Box 155, Shellharbour Square, Blackbutt, NSW 2529.

SCHEDULE

All that piece or parcel of land situated in Shellharbour City Council area, Parish of Terragong and County of Camden, shown as Lots 109 and 111, Deposited Plan 1012391.

[0577]

TAMWORTH CITY COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000, Part 2, Division 2

Renaming of Public Road

NOTICE is hereby given that in pursuance of the abovementioned Act and Regulation, the following public road has been renamed.

<i>Previous Name</i>	<i>New Name</i>
Hinkler Road West	Hawker Road

Authorised by resolution of Council, 25 February 2003. P. L. Lyon, General Manager, Tamworth City Council, PO Box 555, Tamworth, NSW 2340.

[0571]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CAMILLO AGLIARO, late of 29 Yoogali Street, Merrylands, in the State of New South Wales, company director, who died on 6th July, 2002 must send particulars of his/her claim to the executrix, Gloria Adele Agilaro, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 25th July, 2003. MACLARENS, Solicitors, Maclarens House, 232 Merrylands Road (PO Box 354), Merrylands NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0572]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ROSEMARY GOWAN, late of 1/2 Wood Street, Randwick, in the State of New South Wales, spinster, who died on 9th May, 2003 must send particulars of his/her claim to the executor, Joseph Malcolm Byrne, to whom probate was granted, c.o. Deacons, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000, within 30 days 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 conveyance or distribution he has notice. Probate was granted in New South Wales on 28th July, 2003. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000 (GPO Box 3872, Sydney NSW 2001), (DX 368, Sydney), tel.: (02) 9330 8000.

[0573]

IN the Supreme Court of New South Wales, Equity Division.—After 14 days from publication of this notice an application for administration of the estate of KEVIN BRUCE SUITOR, later of Forster, in the State of New South Wales, real estate agent, deceased, will be made by Patricia Josephine Phillips (also known as Patricia Josephine Sutor), wife of the deceased. Creditors are required to send particulars of their claims upon his estate to KEMP STRANG, Level 14, 55 Hunter Street, Sydney, NSW 2000.

[0575]

COMPANY NOTICES

NOTICE of dissolution of partnership pursuant to section 36 of the Partnership Act 1892 (NSW).—SYDNEY CASINO MANAGEMENT PTY LIMITED (ACN 060 462 053).—Notice is hereby given that the partnership previously subsisting between Leighton Property Development Pty Limited (ACN 001 046 395), (formerly Leighton Properties Pty Limited) and Showboat Australia Pty Limited (ACN 061 299 625), which owned Sydney Casino Management Pty Limited and carried on the business of managing and operating Star City Casino at 80 Pyrmont Street, Sydney, NSW 2000, has been dissolved as from 15 July 2003. All enquiries should be directed to SHOWBOAT AUSTRALIA PTY LIMITED at 5 Bowen Crescent, Melbourne, Victoria 3004.

[0569]

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law.—HYSDAY PTY LIMITED, ACN 003 015 754.—At a general meeting of the abovenamed company duly convened and held at 12 Spencer Street, Mittagong, NSW 2575, on 31st July, 2003, the following special resolution was passed: “That the company be wound up voluntarily”. At the abovementioned meeting Carmen Elizabeth Wright of 12 Spencer Street, Mittagong, NSW 2575, was appointed as liquidator for the purpose of winding up. Notice is also given that after 21 days from this date I will proceed to distribute the assets. All creditors having any claim against the company should furnish particulars of same by that date otherwise I shall proceed to distribute the assets without regard to their claim. Dated: 31st July, 2003. CARMEN ELIZABETH WRIGHT, Liquidator, c.o. GILLESPIES, Chartered Accountants, 20 Bundaroo Street (PO Box 1555), Bowral, NSW 2576, tel.: (02) 4861 2205.

[0574]

NOTICE of meeting of members.—VELPA INVESTMENTS PTY LIMITED, ACN 000851 605 (In Liquidation).—Notice is hereby given that pursuant to section 509 (2) of the Corporations Act 1989, the final meeting of the abovenamed company will be held at 1st Floor, 25 Bolton Street, Newcastle, on 8th September, 2003, for the purpose of laying before the meeting the liquidator’s final account and report and giving explanation thereof. Dated this 6th day of August, 2003. ALAN DONALD HEWSON, Liquidator, c.o. Cutcher & Neale, Chartered Accountants, The Bolton Building, 25 Bolton Street (PO Box 694), Newcastle, NSW 2300, tel.: (02) 4928 8500.

[0576]

IN the Supreme Court of New South Wales, No. 3672/03.—ANDERSON AUTOMOTIVE INDUSTRIES PTY LTD, ACN 074 050 605.—1. A proceeding for the winding up of Anderson Automotive Industries Pty Ltd was commenced by the Plaintiff, BR & KM Smith (Newcastle) Pty Ltd (trading as Charlestown Toyota), on 8th July, 2003, and will be heard by the Supreme Court of New South Wales at Law Courts Building, Queens Square, Sydney at 11.00 a.m., on 7th August, 2003. Copies of documents filed may be obtained from the plaintiff’s address for service. 2. The plaintiff’s address for service is c.o. O’Sullivan Saddington, Level 4, 23 Watt Street Newcastle, NSW 2300, tel.: (02) 4929 5166. 3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the plaintiff at the plaintiff’s address for service at least 3 days before the date fixed for the hearing. Dated: 24 July 2003. JOHN DUDLEY SADDINGTON, Plaintiff’s Legal Practitioner, c.o. O’Sullivan Saddington, Level 4, 23 Watt Street Newcastle, NSW 2300, tel.: (02) 4929 5166.

[0578]

NOTICE of final meeting of members.—CLINCH BROS EXTRACTION PTY LIMITED, ACN 000 915 006.—Notice is hereby given pursuant to section 509 of the Corporations Law that the final meeting of members and creditors of the abovenamed company will be held at the office of Leslie Robert Lowden, Suite 5, 20 Bundaroo Street, Bowral, NSW 2576, on 29th August, 2003, to receive the liquidator’s account showing how the winding up has been conducted and the property of the company has been disposed of and to hear any explanations that may be given by the liquidator. Dated 1st August, 2003. LESLIE ROBERT LOWDEN, Liquidator, Gillespies, Chartered Accountants, 20 Bundaroo Street (PO Box 1555), Bowral, NSW 2576, tel.: (02) 4861 2205.

[0580]

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