



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 138

Friday, 12 September 2003

Published under authority by cmSolutions

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 3 September 2003

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

Act No. 42 2003 - An Act to amend the Criminal Procedure Act 1986 to protect a complainant in certain sexual offence proceedings from being questioned directly by the accused person. [Criminal Procedure Amendment (Sexual Offence Evidence) Bill]

Russell D. Grove PSM
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO**Legislative Assembly Office, Sydney, 8 September 2003**

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

Act No. 43 2003 - An Act to regulate the handling of food for sale and the sale of food and to provide for the application of the *Australia New Zealand Food Standards Code* in New South Wales; to repeal the *Food Act 1989*; and for other purposes. [Food Bill]

Russell D. Grove PSM
Clerk of the Legislative Assembly

Regulations



Commercial Vessels Amendment (Fees) Regulation 2003

under the

Commercial Vessels Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Vessels Act 1979*.

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

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees prescribed by the *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* that are payable in respect of:
 - (i) examinations for certificates of competency, and
 - (ii) the issue, recognition and revalidation of certificates of competency, and
 - (iii) miscellaneous other matters, and
- (b) to increase certain fees, charges and expenses prescribed by the *Commercial Vessels (Permits) Regulation 1986* for:
 - (i) applications for permits under the *Commercial Vessels Act 1979*, and
 - (ii) investigations of those applications, and
 - (iii) miscellaneous other matters, and
- (c) to increase certain fees prescribed by the *Commercial Vessels (Load Lines) Regulation 1986* for:
 - (i) an initial survey and the issue of a load line certificate, and
 - (ii) an initial survey and the issue of a load line exemption certificate, and
 - (iii) a periodical survey, and
 - (iv) a periodical inspection.

The fee increases are generally in line with the movement in the Consumer Price Index.

Commercial Vessels Amendment (Fees) Regulation 2003

Explanatory note

This Regulation is made under the *Commercial Vessels Act 1979*, including sections 17, 30, 30G (3), 38 and 52 (the general regulation-making power) and such other sections as are referred to in this Regulation.

Commercial Vessels Amendment (Fees) Regulation 2003

Clause 1

Commercial Vessels Amendment (Fees) Regulation 2003

under the

Commercial Vessels Act 1979

1 Name of Regulation

This Regulation is the *Commercial Vessels Amendment (Fees) Regulation 2003*.

2 Commencement

This Regulation commences on 1 October 2003.

3 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

The *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* is amended as set out in Schedule 1.

4 Amendment of Commercial Vessels (Permits) Regulation 1986

The *Commercial Vessels (Permits) Regulation 1986* is amended as set out in Schedule 2.

5 Amendment of Commercial Vessels (Load Lines) Regulation 1986

The *Commercial Vessels (Load Lines) Regulation 1986* is amended as set out in Schedule 3.

Commercial Vessels Amendment (Fees) Regulation 2003

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

**Schedule 1 Amendment of Commercial Vessels
(Certificates of Competency and Safety
Manning) Regulation 1986**

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

**Schedule 3 Fees payable in connection with
certificates of competency**

(Clause 13)

Part 1 Fees in respect of examinations

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Master Class 1, Master Class 1 (limited to sail as Chief Mate), Master Class 2, Master Class 2 (limited to sail as Chief Mate), Second Mate Class 1, Second Mate Class 2	All exams for the relevant class of certificate	371
Master Class 3 or Master Class 3 (limited to sail as Chief Mate)	All exams for the relevant class of certificate	371
Master Class 4 or Mate Class 4	All exams for the relevant class of certificate	340
Master Class 5	All exams for the relevant class of certificate	256
Coxswain	All exams for the relevant class of certificate	129
Marine Engineer Class 1, Marine Engineer Class 2 or Marine Engineer Watchkeeper	All exams for the relevant class of certificate	371

Commercial Vessels Amendment (Fees) Regulation 2003

Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986 Schedule 1

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Marine Engineer Class 3	All exams for the relevant class of certificate	256
Marine Engine Driver Grade 1	All exams for the relevant class of certificate	256
Marine Engine Driver Grade 2	All exams for the relevant class of certificate	167
Marine Engine Driver Grade 3	All exams for the relevant class of certificate	88
All classes mentioned above	Where a single written or single oral supplementary exam is carried out for the relevant class of certificate	35
Certificate endorsed for either trading or fishing operations	Trading or fishing operations	88
Certificate endorsed for air-cushioned vessel operations	Air-cushioned vessel operations	88
Certificate endorsed for special operations	Special operations	88
Certificate endorsed for refrigeration operations	Engineering knowledge—written	88
	Engineering knowledge—oral	88

Commercial Vessels Amendment (Fees) Regulation 2003

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

Part 2 Fees in respect of issue, recognition and revalidation of certificates of competency

Column 1	Column 2
Matter for which fee is payable	Fee \$
Issue of certificate under section 30H of the Act if the candidate satisfies examination requirements (or those requirements except for short courses) outside NSW	41
Recognition of certificates of other States etc under section 30L of the Act:	
(a) by endorsement of certificate	14
(b) by notice certifying validity	30
Revalidation of certificate under section 30I of the Act	88
Issue of duplicate certificate under section 30H (4) of the Act for certificate lost or destroyed	88

Part 3 Miscellaneous fees

Column 1	Column 2
Matter for which fee is payable	Fee \$
Eyesight test conducted by the Minister to satisfy medical requirements for issue of certificate of competency	45
Re-assessment of written examination paper for issue of certificate of competency	22
Oral examination required on seamanship or coastal local knowledge in connection with certificate of competency	88
Application for review of the Minister's decision under clause 6 of this Regulation	30

Commercial Vessels Amendment (Fees) Regulation 2003

Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986 Schedule 1

Column 1	Column 2
Matter for which fee is payable	Fee \$
Record of service book	24
Where, at the request of the applicant for examination, a person acting on behalf of the Minister attends at a place where the officer would not, except in response to the request, have been engaged on official duties—travelling and accommodation expenses incurred by the officer because of that attendance	Such reasonable fee as may be deemed by the Minister to cover some or all of those expenses and was notified to the applicant at the time of the request
Issue of certificate of competency where the applicant has passed examinations conducted by another marine authority	66
Search fee—per item	35

Commercial Vessels Amendment (Fees) Regulation 2003

Schedule 2 Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 2 Amendment of Commercial Vessels (Permits) Regulation 1986

(Clause 4)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees, expenses and charges

(Clause 14)

Part 1 General

- | | | |
|---|---|--|
| 1 | Replacement of a permit plate that has become lost, illegible, damaged or destroyed (section 15 (5) of the Act) | \$66 |
| 2 | Investigation as to whether conditions should be imposed on a deemed temporary permit (but only where conditions are imposed under section 19 (3) (b) of the Act): | \$234 |
| | In addition, for any inspection of a vessel for that purpose | \$118 per hour or part of an hour |
| 3 | Work carried out in connection with: | |
| | (a) an application for a permit and investigation of the application (including survey, examination, approval of plans, witnessing position of draught marks, witnessing of inclining tests, approval of stability data, witnessing of vessel trials and examination of information in connection with approval of plans), or | |
| | (b) an application for approval of prototype vessel plans: | |
| | For a vessel less than or equal to 7.5 metres in length | \$121 per metre (or part of a metre) of length of the vessel |

Commercial Vessels Amendment (Fees) Regulation 2003

Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 2

	For a vessel more than 7.5 metres in length	\$252 per metre (or part of a metre) of length of the vessel
4	Work carried out in connection with an application for a permit in respect of a vessel of a design or production run for which a prototype approval has previously been issued:	
	For a vessel less than or equal to 7.5 metres in length	\$62 per metre (or part of a metre) of length of the vessel
	For a vessel more than 7.5 metres in length	\$118 per metre (or part of a metre) of length of the vessel
5	Work associated with the repeated re-examination of vessel survey plans	\$118 per hour or part of an hour
6	Investigation as to whether the suspension of a permit was justified (section 22 (5) of the Act):	\$118
	In addition, for any inspection of a vessel for that purpose	\$118 per hour or part of an hour
7	Work carried out in respect of the survey of a vessel in accordance with its survey schedule (section 30 of the Act):	
	For a vessel less than or equal to 7.5 metres in length	\$41 per metre (or part of a metre) of length of the vessel
	For a vessel that is more than 7.5 metres in length but less than or equal to 15 metres in length	\$61 per metre (or part of a metre) of length of the vessel

Commercial Vessels Amendment (Fees) Regulation 2003

Schedule 2 Amendment of Commercial Vessels (Permits) Regulation 1986

	For a vessel that is more than 15 metres in length	\$73 per metre (or part of a metre) of length of the vessel
8	Issue of a replacement survey record book (clause 10 (7))	\$158
9	Issue of a towage permit (clause 12):	\$60
	In addition, for any inspection of a vessel for that purpose	\$118 per hour or part of an hour
10	Inspection, where a defect or deficiency has been revealed by a survey under section 28 of the Act, for the purpose of ascertaining whether the defect or deficiency has been rectified	\$118 per hour or part of an hour
11	Inspection subsequent to repairs following accident damage (section 29 (3) of the Act)	\$118 per hour or part of an hour
12	Preliminary inspection of an existing vessel for oral advice on survey requirements	\$197 (which is to be deducted from any subsequent application fee in relation to the vessel)
13	Conversion of a deemed temporary permit to a New South Wales permit (section 20 of the Act)	\$118 per metre
14	Reinstatement of suspended permits	\$118
15	Resurvey of vessel with cancelled survey permit:	
	For a vessel less than or equal to 7.5 metres in length	\$62 per metre (or part of a metre) of length of the vessel
	For a vessel more than 7.5 metres in length	\$118 per metre (or part of a metre) of length of the vessel

Commercial Vessels Amendment (Fees) Regulation 2003

Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 2

**Part 2 Supplementary charges payable in
addition to the fees, expenses and
charges under Part 1**

- | | | |
|----|---|---|
| 16 | Survey or service carried out by a surveyor outside normal working hours | \$59 per hour or part of an hour (including travelling time), subject to a minimum fee of \$230 where the hours are not merely an extension of normal working hours |
| 17 | Attendance by a surveyor (at the request of an applicant for a vessel permit, or of a person submitting a vessel for inspection or the issue of a towage permit) otherwise than at a place or time at which the surveyor is normally engaged in official duties | Such reasonable travel and accommodation expenses as are incurred by the surveyor for the purposes of the attendance |
-

Commercial Vessels Amendment (Fees) Regulation 2003
Schedule 3 Amendment of Commercial Vessels (Load Lines) Regulation 1986

Schedule 3 Amendment of Commercial Vessels (Load Lines) Regulation 1986

(Clause 5)

Schedule 2 Fees

Omit Items 1–4 from the Schedule. Insert instead:

1	Initial survey and issue of load line certificate	274
2	Initial survey and issue of load line exemption certificate	274
3	Periodical survey	274
4	Periodical inspection	91



New South Wales

Crimes (Forensic Procedures) Amendment (DNA Database System) Regulation 2003

under the

Crimes (Forensic Procedures) Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Forensic Procedures) Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to prescribe the CrimTrac Agency of the Commonwealth as an appropriate authority to which information from the State's DNA database system may be transmitted under Part 12 of the *Crimes (Forensic Procedures) Act 2000*.

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including section 118 (the general power to make regulations) and section 95.

Clause 1 Crimes (Forensic Procedures) Amendment (DNA Database System)
Regulation 2003

Crimes (Forensic Procedures) Amendment (DNA Database System) Regulation 2003

under the

Crimes (Forensic Procedures) Act 2000

1 Name of Regulation

This Regulation is the *Crimes (Forensic Procedures) Amendment (DNA Database System) Regulation 2003*.

2 Amendment of Crimes (Forensic Procedures) Regulation 2000

The *Crimes (Forensic Procedures) Regulation 2000* is amended by inserting after clause 12:

13 Appropriate authorities

Pursuant to paragraph (a) of the definition of *appropriate authority* in section 95 of the Act, the CrimTrac Agency of the Commonwealth is prescribed as an appropriate authority in relation to the Commonwealth.



Maritime Services Amendment (Fees) 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 objects of this Regulation are:

- (a) to amend the *Water Traffic Regulations—N.S.W.* to increase certain fees relating to aquatic licences, the registration of vessels and the licensing of drivers of vessels, and
- (b) to amend the *Management of Waters and Waterside Lands Regulations—N.S.W.* to increase certain fees relating to occupation licences.

The fee increases are generally in line with the movement in the Consumer Price Index.

This Regulation is made under the *Maritime Services Act 1935*, including section 38 (the general regulation-making power) and, in particular, section 38 (3) (b) and (c).

Clause 1 Maritime Services Amendment (Fees) Regulation 2003

Maritime Services Amendment (Fees) Regulation 2003

under the

Maritime Services Act 1935

1 Name of Regulation

This Regulation is the *Maritime Services Amendment (Fees) Regulation 2003*.

2 Commencement

This Regulation commences on 1 October 2003.

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

The *Water Traffic Regulations—N.S.W.* are amended as set out in Schedule 1.

4 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

The *Management of Waters and Waterside Lands Regulations—N.S.W.* are amended as set out in Schedule 2.

Maritime Services Amendment (Fees) Regulation 2003

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

Schedule 1

Schedule 1 Amendment of Water Traffic Regulations— N.S.W.

(Clause 3)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 8 (3) (g) (i)	\$66	\$68
Regulation 8 (3) (g) (ii)	\$99	\$102
Regulation 8 (3) (g) (iii)	\$263	\$270
Regulation 8 (3) (g) (iv)	\$526	\$540
Regulation 11 (3A) (a)	\$224	\$230
Regulation 11 (3A) (b)	\$56	\$58
Regulation 11 (3A) (c) (i)	\$39	\$40
Regulation 11 (3A) (c) (ii)	\$39	\$40
Regulation 11 (3A) (c) (ii)	\$7.20	\$7.40
Regulation 11 (3A) (c) (ii)	\$435	\$446.80
Regulation 11 (7) (c)	\$21	\$22
Regulation 15H (2) (e) (i)	\$38	\$39
Regulation 15H (2) (e) (ii)	\$23	\$24
Regulation 15L (a)	\$119	\$122
Regulation 15L (b)	\$58	\$60

Maritime Services Amendment (Fees) Regulation 2003
 Schedule 1 Amendment of Water Traffic Regulations—N.S.W.

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 15L (c)	\$34	\$35
Regulation 15M (2) (a)	\$234	\$241
Regulation 15M (2) (b)	\$85	\$87
Regulation 15M (3) (a)	\$28	\$29
Regulation 15NA (1) (a) (i)	\$85	\$87
Regulation 15NA (1) (a) (ii)	\$42	\$43.50
Regulation 15NA (1) (b) (i)	\$149	\$154
Regulation 15NA (1) (b) (ii)	\$74.50	\$77
Regulation 15NA (1) (c) (i)	\$42	\$44
Regulation 15NA (1) (c) (ii)	\$20	\$21

Maritime Services Amendment (Fees) Regulation 2003

Amendment of Management of Waters and Waterside Lands Regulations— Schedule 2
N.S.W.

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

(Clause 4)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 35A (1) (a)	\$225	\$231
Regulation 35A (1) (b)	\$376	\$386
Regulation 35A (2) (a)	\$151	\$155
Regulation 35A (2) (b)	\$300	\$308
Regulation 36A (1) (a)	\$224	\$230
Regulation 36A (1) (b)	\$224	\$230
Regulation 36A (1) (b)	\$76	\$78
Regulation 36A (1) (c)	\$528	\$542
Regulation 36A (1) (c)	\$150	\$154
Regulation 36A (2) (a)	\$280	\$287
Regulation 36A (2) (b)	\$280	\$287
Regulation 36A (2) (b)	\$94	\$96
Regulation 36A (2) (c)	\$656	\$671
Regulation 36A (2) (c)	\$186	\$191
Regulation 36A (3) (a)	\$150	\$154

Maritime Services Amendment (Fees) Regulation 2003

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations—
N.S.W.

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 36A (3) (b)	\$150	\$154
Regulation 36A (3) (b)	\$32	\$33
Regulation 36A (3) (c)	\$310	\$319
Regulation 36A (3) (c)	\$59	\$61
Regulation 37 (3B) (b)	\$85	\$87
Regulation 37 (6)	\$85	\$87
Regulation 39 (3)	\$85	\$87
Regulation 46	\$85	\$87
Regulation 49 (4)	\$85	\$87



Motor Dealers Further Amendment (Forms) Regulation 2003

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

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

Explanatory note

The object of this Regulation is to amend Form 9 in Schedule 3 to the *Motor Dealers Regulation 1999* (as amended by the *Motor Dealers Amendment (Forms) Regulation 2003*) to state that the inspection report referred to in the auction notice is to be no more than 1 month old.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 23B and 57 (the general regulation-making power).

Clause 1 Motor Dealers Further Amendment (Forms) Regulation 2003

Motor Dealers Further Amendment (Forms) Regulation 2003

under the

Motor Dealers Act 1974

1 Name of Regulation

This Regulation is the *Motor Dealers Further Amendment (Forms) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

3 Amendment of Motor Dealers Regulation 1999

The *Motor Dealers Regulation 1999* is amended as set out in Schedule 1.

Motor Dealers Further Amendment (Forms) Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3, Form 9 (as amended by the Motor Dealers Amendment (Forms) Regulation 2003)

Omit "90 days". Insert instead "1 month".

Orders



Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

under the

Workers Compensation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and on the recommendation of the WorkCover Authority, and in pursuance of section 168 of the *Workers Compensation Act 1987*, make the following Order.

Dated, this 10th day of September 2003.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Order is to amend the *Insurance Premiums Order 2003–2004* to exclude from the amount of wages used to calculate a workers compensation insurance premium a motor vehicle allowance or accommodation allowance to the extent of an amount calculated at a rate fixed by an applicable industrial instrument or specified in the Order.

This Order is made under section 168 of the *Workers Compensation Act 1987*.

Clause 1 Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

under the

Workers Compensation Act 1987

1 Name of Order

This Order is the *Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003*.

2 Amendment of Insurance Premiums Order 2003–2004

The *Insurance Premiums Order 2003–2004* is amended as set out in Schedule 1.

Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Interpretation

Omit the definition of *wages* from clause 1 (1).

Insert instead:

wages means wages as defined in section 174 (9) of the Act, but not including a motor vehicle allowance or accommodation allowance to the extent that the allowance is required to be excluded from wages by clause 1A.

[2] Schedule 1, clause 1A

Insert after clause 1:

1A Extent to which motor vehicle and accommodation allowances to be excluded from wages

- (1) A motor vehicle allowance paid to a worker is to be excluded from wages for the purposes of this Order to the extent of an amount calculated at whichever of the following rates is applicable in the particular case:
 - (a) in the case of a worker paid an allowance under an award that specifies the allowance as a rate for each kilometre or part of a kilometre travelled by the worker in the course of the worker's employment by means of a motor vehicle provided or maintained by the worker—the rate specified in the award,
 - (b) in the case of any other worker—53.5 cents for each kilometre or part of a kilometre travelled by the worker in the course of business journeys by means of a motor vehicle provided or maintained by the worker.

Note. If the amount calculated is greater than the amount actually paid as motor vehicle allowance, only the amount actually paid is to be excluded from the calculation of wages.
- (2) An accommodation allowance paid to a worker is to be excluded from wages for the purposes of this Order to the extent of an amount calculated at whichever of the following rates is applicable in the particular case:
 - (a) in the case of a worker paid an allowance under an award that specifies the allowance as a rate for each night the worker is absent from the worker's usual place of residence—the rate specified in the award,

Page 3

Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

Schedule 1 Amendments

- (b) in the case of any other worker—\$130 for each night the worker is absent from the worker's usual place of residence in the course of the worker's employment.

Note. If the amount calculated is greater than the amount actually paid as accommodation allowance, only the amount actually paid is to be excluded from the calculation of wages.

- (3) In this clause, *award* means:
- (a) an industrial instrument within the meaning of the *Industrial Relations Act 1996*, or
 - (b) any agreement with respect to salaries or wages entered into under the provisions of any other law of the State between an employer constituted by that law and an association or organisation representing a group or class of employees, or
 - (c) an award, agreement or other instrument under the law of the Commonwealth or of another State or Territory, being an award, agreement or other instrument of a similar nature to an instrument or agreement referred to in paragraph (a) or (b).

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Scrophulariaceae” (under the heading “Plants”):

Centranthera cochinchinensis (Lour.) Merr.

Dated, this 20th day of August 2003.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, as a consequence, to omit reference to it as a vulnerable species and, accordingly:

- (a) Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Scincidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Cyclodomorphus melanops elongatus Mallee Slender Blue-tongue
(Werner, 1910) Lizard

- (b) Schedule 2 to that Act is amended by omitting from under the heading “Scincidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Cyclodomorphus branchialis Gunther’s Skink
(Gunther, 1867)

Dated, this 20th day of August 2003.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Notice of Final Determination

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 immediately above the heading “Scincidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Pygopodidae

Delma australis Kluge, 1974

Marble-faced Delma

Dated, this 20th day of August 2003.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Poaceae” (under the heading “Plants”):

Elyonurus citreus (R. Br.) Munro ex Benth.

Dated, this 20th day of August 2003.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Dilleniaceae” (under the heading “Plants”):

Hibbertia puberula Toelken

Dated, this 20th day of August 2003.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following matter as a key threatening process under that Act and, accordingly, Schedule 3 to that Act is amended by inserting in alphabetical order:

Invasion of native plant communities by exotic perennial grasses

Dated, this 25th day of July 2003.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Support Unit, by post C/- National Parks and Wildlife Service, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

NSW Agriculture

PLANT DISEASES ACT 1924

ORDER OR76

Order under s13A for Fruit Fly Treatments in the town of BAROOGA

I, IAN MACDONALD, M.L.C., Minister for Agriculture and Fisheries, pursuant to sections 3(2)(a) and 13A of the Plant Diseases Act 1924, being of the opinion that this order is necessary in order to avoid an adverse effect on trade of certain fruit, AUTHORISE an inspector to enter and carry out any one or a combination of the fruit fly treatments specified in this Order, for the control of the pest Queensland Fruit Fly on all land with a frontage to or access from a street which is within an urban 60km an hour or less speed limit zone in the town of BAROOGA.

In this Order, *fruit fly treatments* means:

- **fruit fly bait spraying**, where an insecticide plus protein autolysate extract is applied to the foliage of plants as a spot spray from a backpack spray unit. The insecticide is Hy-Mal[®] that has the active constituent 'maldison'. The protein autolysate extract is Natflav 500[®]. The treatment is approved for use by the Australian Pesticides & Veterinary Medicines Authority under permit 5144.
- **cover spray of fruit trees**, where an insecticide spray is applied to the foliage of fruit trees as a mist spray from a backpack spray unit or by a powered spray unit. The insecticide is Lebaycid[®] that has the active constituent 'fenthion'. The insecticide is registered or approved for use by the Australian Pesticides & Veterinary Medicines Authority for this use.
- **male fruit fly control blocking**, where male fruit fly control blocks are tied or nailed to trees, and the male fruit fly control blocks are fibre board blocks (caneite) impregnated with an insecticide and a fruit fly attractant. The insecticide is maldison and the attractant Cue Lure and is approved for use by the Australian Pesticides & Veterinary Medicines Authority under permit 5911.
- **the release of sterile Queensland fruit flies.**

Notification of treatment

At the time of treatment a copy of the treatment leaflet is to be left with the occupiers of the land by giving it to them personally, or by leaving it in the mailbox to the land, or by attaching it to the front door of the premises.

Objection to works

An owner or occupier of land to which this Order applies may object to the carrying out of these works by writing to the Director-General of the Department of Agriculture at the address below:

Regional Director of Agriculture (Murrumbidgee/
Murray Region),
NSW Agriculture,
Yanco Agricultural Institute,
Private Mail Bag,
YANCO NSW 2703.

The objection must identify the particular land, the objector's name, and the objector's contact address.

Any objection is to be mailed or delivered no later than 4.30 p.m. on Friday, 24 September 2003.

Consideration however will be given to an objection received from an owner or occupier of land on or before the carrying out the works on the land.

Note: This Order remains in force for 6 months from the date of its making.

Dated at Sydney this 8th day of September 2003.

IAN MACDONALD, M.L.C.,
NSW Minister for Agriculture and Fisheries

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Bankstown Local Environmental Plan 2001 (Amendment No 9)

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*. (P02/00083/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Bankstown Local Environmental Plan 2001 (Amendment No 9)

Bankstown Local Environmental Plan 2001 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bankstown Local Environmental Plan 2001 (Amendment No 9)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies to Zone 3 (a)—Business—CBD under *Bankstown Local Environmental Plan 2001*, and
- (b) to reclassify the land from community to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to part of Lot 6, DP 777510, and known as part of 375 Chapel Road, Bankstown, as shown coloured dark blue on the map marked “Bankstown Local Environmental Plan 2001 (Amendment No 9)” deposited in the office of Bankstown City Council.

4 Amendment of Bankstown Local Environmental Plan 2001

Bankstown Local Environmental Plan 2001 is amended as set out in Schedule 1.

Bankstown Local Environmental Plan 2001 (Amendment No 9)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 29 Land classified or reclassified as operational land

Omit “cited at the end of the description of the parcel” from clause 29 (4).

Insert instead “that inserted the description of the parcel in that Part”.

[2] Schedule 1 Dictionary

Insert in appropriate order in the definition of *the map*:

Bankstown Local Environmental Plan 2001 (Amendment No 9)

[3] Schedule 4 Classification or reclassification of public land

Insert in alphabetical order of locality in Part 2 of the Schedule:

Bankstown

375 Chapel Road (part of) Part of Lot 6, DP 777510, as shown coloured dark blue on the map marked “Bankstown Local Environmental Plan 2001 (Amendment No 9)”.



New South Wales

Bankstown Local Environmental Plan 2001 (Amendment No 15)

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*. (P02/00688/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Bankstown Local Environmental Plan 2001 (Amendment No 15)

Bankstown Local Environmental Plan 2001 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bankstown Local Environmental Plan 2001 (Amendment No 15)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies to Zone 2 (a)—Residential A under *Bankstown Local Environmental Plan 2001*, and
- (b) to ensure that consent will not be granted to residential development of the land until the consent authority (that is, Bankstown City Council) is satisfied that an acceptable level of amenity is maintained in relation to the land by noise mitigation measures that minimise the impact of rail noise and vibration on any current or future residents in the locality.

3 Land to which plan applies

This plan applies to land situated in the City of Bankstown, being Lot 1, DP 504700, and known as 82 Allum Street, Yagoona, as shown coloured pink on the map marked “Bankstown Local Environmental Plan 2001 (Amendment No 15)” deposited in the office of Bankstown City Council.

4 Amendment of Bankstown Local Environmental Plan 2001

Bankstown Local Environmental Plan 2001 is amended as set out in Schedule 1.

Bankstown Local Environmental Plan 2001 (Amendment No 15)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Dictionary

Insert in appropriate order in the definition of *the map*:

Bankstown Local Environmental Plan 2001 (Amendment
No 15)

[2] Schedule 9 Special requirements for particular sites

Insert in alphabetical order of locality in the Schedule:

Yagoona

82 Allum Street

The consent authority must be satisfied that noise mitigation measures to control rail noise have been incorporated into the development so that the development complies with AS/NZS 2107:2000, *Acoustics—Recommended design sound levels and reverberation times for building interiors* and the rail noise criteria set out in Chapter 163 of the Environment Protection Authority's publication titled *Environmental Noise Control Manual*.



New South Wales

Bathurst Local Environmental Plan 1997 (Amendment No 8)

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*. (S97/00089/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Bathurst Local Environmental Plan 1997 (Amendment No 8)

Bathurst Local Environmental Plan 1997 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

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

2 Aims of plan

The aims of this plan are:

- (a) to enable subdivision of land along a zone boundary for future urban purposes, and
- (b) to rezone part of Lot 1, DP 795012, Duramana Road, Eglinton from Zone No 1 (a) (the General Rural Zone) to Zone No 2 (a) (the Residential Zone) under *Bathurst Local Environmental Plan 1997*.

3 Land to which plan applies

This plan applies to all land within the local government area of the City of Bathurst. To the extent that this plan rezones land it applies to that part of Lot 1, DP 795012, Duramana Road, Eglinton that is shown edged heavy black on the map marked "Bathurst Local Environmental Plan 1997 (Amendment No 8)" held in the office of the Council of the City of Bathurst.

4 Amendment of Bathurst Local Environmental Plan 1997

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

Bathurst Local Environmental Plan 1997 (Amendment No 8)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Subdivision—general requirements

Insert after clause 9 (2):

- (3) Nothing in this plan prevents consent being granted to the subdivision of land along a zone boundary where:
 - (a) at least one of the allotments created by the subdivision is intended for future residential, business or industrial development, and
 - (b) the consent authority is satisfied that there are no constraints (such as a lack of water, sewerage and drainage services) preventing the subsequent residential, business or industrial development of that allotment.

[2] Clause 28 Definitions

Insert in appropriate order at the end of the definition of *land use map* in clause 28 (1):

Bathurst Local Environmental Plan 1997 (Amendment No 8)



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 21)

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*. (G02/00040/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 21)

Hastings Local Environmental Plan 2001 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 21)*.

2 Aims of plan

The aims of this plan are:

- (a) to update the references to the adoption date of *Hastings Development Control Plan No 36—Exempt and Complying Development*, and
- (b) to clarify what can be complying development in relation to bushfire prone land, and
- (c) to clearly identify associated legislative controls.

3 Land to which plan applies

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

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended as set out in Schedule 1.

5 Amendment of Hastings Local Environmental Plan 1987

Hastings Local Environmental Plan 1987 is amended as set out in Schedule 2.

Hastings Local Environmental Plan 2001 (Amendment No 21)

Amendment of Hastings Local Environmental Plan 2001

Schedule 1

Schedule 1 Amendment of Hastings Local Environmental Plan 2001

(Clause 4)

[1] Clause 8 Complying development

Omit clause 8 (2). Insert instead:

- (2) Development is complying development only if:
 - (a) it meets the applicable requirements specified in Hastings DCP No 36 applying to the development, and
 - (b) in the case of development involving a building, the building complies with the deemed-to-satisfy provisions of the *Building Code of Australia*, except where provided for in Schedule 2 of Hastings DCP No 36, and
 - (c) it does not include the exhibition or sale of material (whether literature, video, film, goods or articles) used or intended for use in connection with sexual behaviour and classified or refused classification under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth, or the exhibition of objects primarily concerned with sexual behaviour, and
 - (d) it is not carried out on land that:
 - (i) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (ii) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or
 - (iii) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (iv) is identified in this plan or a development control plan adopted by the Council as being contaminated, within a buffer area, or subject to subsidence, slip or erosion, or
 - (v) is in a watercourse or flood path for a 1% AEP event, unless explicitly permitted within Hastings DCP No 36, or
 - (vi) has previously been used as a service station or a saw mill, or for intensive agriculture, mining or extractive industry, or

Hastings Local Environmental Plan 2001 (Amendment No 21)

Schedule 1 Amendment of Hastings Local Environmental Plan 2001

(vii) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or

(e) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it, and

(f) where it will result in the doing of anything referred to in section 78A (3) of the Act for which an approval is required or in the removal of a tree or native vegetation for which an approval or consent is required, that approval or consent has been obtained, and

Note. Section 78A (3) of the Act refers to development applications involving an associated approval under section 68 of the *Local Government Act 1993*.

(g) it is not integrated development, and

Note. Integrated development is development which is subject to an associated approval under other legislation, as listed in section 91 of the Act. It is subject to special referral processes. An example is a development requiring a bush fire safety authority under the *Rural Fires Act 1997*.

(h) it is not prevented from being complying development by virtue of section 76A (6) of the Act.

Note. The authority for this LEP to define complying development is contained in section 76A (5) of the *Environmental Planning and Assessment Act 1979*. This authority is qualified by subsection (6), which states:

(6) A provision under subsection (5) cannot be made:

- (a) if the development is State significant development, or
- (b) if the development is designated development, or
- (c) if the development is development for which development consent cannot be granted except with the concurrence of a person other than:
 - (i) the consent authority, or
 - (ii) the Director-General of National Parks and Wildlife as referred to in section 79B (3), or
- (d) so as to apply to land that is critical habitat, or
- (e) so as to apply to land that is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
- (f) so as to apply to land that comprises, or on which there is, an item of the environmental heritage:
 - (i) that is subject to an interim heritage order under the *Heritage Act 1977*, or that is listed on the State Heritage Register under that Act, or

Hastings Local Environmental Plan 2001 (Amendment No 21)

Amendment of Hastings Local Environmental Plan 2001

Schedule 1

-
- (ii) that is identified as such an item in an environmental planning instrument, or
 - (g) so as to apply to land that is identified as an environmentally sensitive area in the environmental planning instrument that makes provision for the complying development.

A provision made under subsection (5) has no effect in relation to development or land at any time during which the development or land is development or land to which paragraph (a)–(g) applies.

[2] Dictionary

Omit “12 November 2001” from the definition of *Hastings DCP No 36*.

Insert instead “26 May 2003”.

Hastings Local Environmental Plan 2001 (Amendment No 21)

Schedule 2 Amendment of Hastings Local Environmental Plan 1987

Schedule 2 Amendment of Hastings Local Environmental Plan 1987

(Clause 5)

[1] Clause 8 Interpretation

Omit “12 November 2001” from the definition of *Hastings DCP No 36*.

Insert instead “26 May 2003”.

[2] Clause 8B Complying development

Omit clause 8B (2). Insert instead:

- (2) Development is complying development only if:
 - (a) it meets the applicable requirements specified in Hastings DCP No 36 applying to the development, and
 - (b) in the case of development involving a building, the building complies with the deemed-to-satisfy provisions of the *Building Code of Australia*, except where provided for in Schedule 2 of Hastings DCP No 36, and
 - (c) it does not include the exhibition or sale of material (whether literature, video, film, goods or articles) used or intended for use in connection with sexual behaviour and classified or refused classification under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth, or the exhibition of objects primarily concerned with sexual behaviour, and
 - (d) it is not carried out on land that:
 - (i) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (ii) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or
 - (iii) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (iv) is identified in this plan or a development control plan adopted by the Council as being contaminated, within a buffer area, or subject to subsidence, slip or erosion, or

Hastings Local Environmental Plan 2001 (Amendment No 21)

Amendment of Hastings Local Environmental Plan 1987

Schedule 2

-
- (v) is in a watercourse or flood path for a 1% AEP event, unless explicitly permitted within Hastings DCP No 36, or
 - (vi) has previously been used as a service station or a saw mill, or for intensive agriculture, mining or extractive industry, or
 - (vii) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or
- (e) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it, and
- (f) where it will result in the doing of anything referred to in section 78A (3) of the Act for which an approval is required or in the removal of a tree or native vegetation for which an approval or consent is required, that approval or consent has been obtained, and
- Note.** Section 78A (3) of the Act refers to development applications involving an associated approval under section 68 of the *Local Government Act 1993*.
- (g) it is not integrated development, and
- Note.** Integrated development is development which is subject to an associated approval under other legislation, as listed in section 91 of the Act. It is subject to special referral processes. An example is a development requiring a bush fire safety authority under the *Rural Fires Act 1997*.
- (h) it is not prevented from being complying development by virtue of section 76A (6) of the Act.
- Note.** The authority for this LEP to define complying development is contained in section 76A (5) of the *Environmental Planning and Assessment Act 1979*. This authority is qualified by subsection (6), which states:
- (6) A provision under subsection (5) cannot be made:
 - (a) if the development is State significant development, or
 - (b) if the development is designated development, or
 - (c) if the development is development for which development consent cannot be granted except with the concurrence of a person other than:
 - (i) the consent authority, or
 - (ii) the Director-General of National Parks and Wildlife as referred to in section 79B (3), or
 - (d) so as to apply to land that is critical habitat, or

Hastings Local Environmental Plan 2001 (Amendment No 21)

Schedule 2 Amendment of Hastings Local Environmental Plan 1987

-
- (e) so as to apply to land that is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (f) so as to apply to land that comprises, or on which there is, an item of the environmental heritage:
 - (i) that is subject to an interim heritage order under the *Heritage Act 1977*, or that is listed on the State Heritage Register under that Act, or
 - (ii) that is identified as such an item in an environmental planning instrument, or
 - (g) so as to apply to land that is identified as an environmentally sensitive area in the environmental planning instrument that makes provision for the complying development.

A provision made under subsection (5) has no effect in relation to development or land at any time during which the development or land is development or land to which paragraph (a)–(g) applies.



New South Wales

Holroyd Local Environmental Plan 1991 (Amendment No 39)

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*. (P01/00307/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Holroyd Local Environmental Plan 1991 (Amendment No 39)

Holroyd Local Environmental Plan 1991 (Amendment No 39)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 39)*.

2 Aim of plan

The aim of this plan is to amend *Holroyd Local Environmental Plan 1991* by:

- (a) revising the heritage and conservation provisions for the City of Holroyd, and
- (b) replacing the existing Schedule 1 (Items of the environmental heritage) and Schedule 6 (Archaeological and potential archaeological sites) with a new Schedule 1 (Heritage items), Schedule 1A (Heritage conservation areas) and Schedule 1B (Known or potential archaeological sites), and
- (c) incorporating heritage conservation areas and additional heritage items into the relevant Schedules of that plan.

3 Land to which plan applies

This plan applies to all land within the City of Holroyd under *Holroyd Local Environmental Plan 1991*.

4 Amendment of Holroyd Local Environmental Plan 1991

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

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Omit the definitions of *alter*, *archaeological site*, *conservation plan*, *conservation report*, *demolish*, *heritage significance*, *item of the environmental heritage*, *maintenance*, *potential archaeological site* and *relic* from clause 5 (1).

Insert in alphabetical order:

alter, in relation to a heritage item, means:

- (a) make structural changes to the outside of the item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the item, not including changes that maintain the existing detail, fabric, finish or appearance of the outside of the item.

archaeological site means:

- (a) a site identified as an archaeological site in Part 1 of Schedule 1B (Known or potential archaeological sites), or
- (b) the site of one or more relics.

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 mechanisms that are appropriate to enable that significance to be retained.

demolish a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

heritage item means:

- (a) a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 1 (Heritage items), or

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

-
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance.

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

maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

potential archaeological site means a site:

- (a) identified as a potential archaeological site in Part 2 of Schedule 1B (Known or potential archaeological sites), or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so identified.

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 Holroyd local government area, 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 of the City of Holroyd local government area.

[2] Clause 5 (1)

Insert in alphabetical order:

heritage conservation area:

- (a) means an area of land that is shown edged heavy black on the maps marked, "Heritage Conservation Area 1", "Heritage Conservation Area 2" and "Heritage Conservation Area 3", and

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

-
- (b) includes an area of land specified in Schedule 1A (Heritage conservation areas), and
 - (c) includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

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 can (but need not) 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 grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of contemporary cultural significance.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

[3] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Holroyd Local Environmental Plan 1991 (Amendment No 39)
(Sheets 1–3)

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

[4] Clause 10 Advertising of certain development applications

Omit clause 10 (1) (a). Insert instead:

- (a) the demolition of a heritage item or a building, work, tree or place within a heritage conservation area,

[5] Clause 10 (1) (d)

Omit the paragraph. Insert instead:

- (d) development allowed by clause 50 (Conservation incentives).

[6] Clauses 20, 21, 22, 23, 24 and 37

Omit the clauses.

[7] Clause 40 What is exempt and complying development?

Insert after clause 40 (3):

- (3A) *Holroyd Development Control Plan (DCP) No 32—Guidelines for Exempt and Complying Development* does not prevent development that is of minimal environmental impact being carried out on the site of a heritage item as exempt development except where consent is required by clause 44.

[8] Part 4

Insert after Part 3:

Part 4 Heritage conservation**43 Heritage objectives**

The objectives of this plan in relation to heritage are:

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

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

-
- (d) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
 - (e) to allow for the protection of places that have the potential to have heritage significance but are not identified as heritage items, and
 - (f) to ensure that the heritage conservation areas throughout the City of Holroyd local government area retain their heritage significance, and
 - (g) to require, when considered necessary, the consideration of a heritage impact statement or a conservation management plan before consent is granted for development relating to a heritage item or heritage conservation area.

44 Protection of heritage items, heritage conservation areas and relics

(1) When is consent required?

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

- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or part of a heritage item,
- (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

(2) What exceptions are there?

Development consent is not required by this clause if:

- (a) the consent authority is of the opinion that the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
- (b) the consent authority is of the opinion that the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (c) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.

(3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument,
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(4) What must be included in assessing a development application?

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

-
- (5) The assessment is to include (but is not limited to) consideration of:
- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Holroyd local government area, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (vi) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.
 - (b) for development that would be carried out in a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution that any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, pitch of any roof, setbacks, materials and detailing the proposed development, and

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

-
- (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site, potential archaeological site or place of Aboriginal heritage significance would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

(6) **What extra documentation is needed?**

Before granting a consent required by this clause, the consent authority must consider a heritage impact statement that includes an assessment of the matters raised in subclause (5) (a) or (5) (b), as the case may require.

- (7) The consent authority may decline to grant a consent required by this clause until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

45 Notice of demolition to Heritage Council

- (1) Before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) Items listed on the State Heritage Register for the time being are taken to have State significance for the purposes of this plan, whether or not that listing is recorded in Schedule 1.

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

46 Development affecting places or sites of known or potential Aboriginal heritage significance

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

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

47 Development affecting other known or potential archaeological sites

- (1) Before granting consent for development that will be carried out on any archaeological site or potential archaeological site (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days of the notice being sent.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

48 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item (for example, by affecting a significant view to or from the item or by overshadowing), or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have an adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

49 Development in heritage conservation areas

- (1) Before granting consent for development within a heritage conservation area, the consent authority must be satisfied that the features of the proposed development will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to the pitch and form of the roof (if any), the style, size, proportion and position of the openings for windows or doors (if any), the colour, texture, style, size and type of finish of the materials to be used on the exterior of the

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

building, building setbacks, height, fencing style and any other matters that the consent authority considers relevant.

- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of buildings within the heritage conservation area.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the significance of the heritage conservation area.

50 Conservation incentives

- (1) The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or the land on which a heritage item is erected, even though the use would otherwise not be allowed by this plan, if:
 - (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and
 - (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
 - (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.
- (2) When considering an application for consent to erect a building on land on which there is situated a heritage item, the consent authority may:
 - (a) for the purpose of determining the floor space ratio, and

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

(b) for the purpose of determining the number of car parking spaces to be provided on the site,

exclude from its calculation of the gross floor area of the buildings erected on the land part or all of the gross floor area of the heritage item, but only if the consent authority is satisfied that this will facilitate the conservation of the heritage item.

[9] Schedules 1, 1A and 1B

Omit Schedule 1. Insert instead:

Schedule 1 Heritage items

(Clause 5 (1))

Note. "SHR" denotes that the property is listed on the State Heritage Register.

Item No	Address	Description	Real property description
1	Albert Street, Guildford	Footbridge over Lower Prospect Canal	Lot 2 DP 865978
2	48 Albert Street, Guildford	Victorian/Georgian cottage	Lot 6 DP 27045
3	Main Western Railway, Alexandra Avenue, Westmead	Railway Electrical Section Hut	N/A
4	10 Alfred Street, Merrylands	"Hampden", Federation Period cottage	Lot 18 DP 976883 Sec B
5	12 Amherst Street, Guildford	Federation/Queen Anne cottage	Lot C DP 949414
6	1A Apia Street, Guildford	Guildford Public School, c 1915	Lots 69, 69A and 70 DP 5018 Sec A, Lots 1-6 DP 797894 and Lot 415 DP 820561

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
7	3 Arcadia Street, Merrylands	Former Council Chambers, c 1914	Lot 3–8 DP 220890
8	48 Arthur Street (cnr Arcadia Street), Merrylands West	Memorial reserve, historic memorial and cannon	Lot 17 DP 2733 Sec E
9	27–33 Aurelia Street, Toongabbie	St Enda’s Church Hall, Inter-War hall, c 1929	Lots 42–45 DP 10697 Sec C
10	15 Austral Avenue, Westmead	Inter-War bungalow	Lot 192 DP 13731
11	17 Austral Avenue, Westmead	Inter-War bungalow	Lot 191 DP 13731
12	19 Austral Avenue, Westmead	Inter-War bungalow	Lot 190 DP 13731
13	9 Banks Street, Mays Hill	“Webber”, late Victorian cottage	Lot 12 DP 934 Sec 35
14	10/11–15 Banks Street, Mays Hill	Late Victorian/Georgian cottage	Lot 1 DP 1033321
15	15 Bayfield Road, Greystanes	Late Victorian/ Federation cottage	Lot 33 DP 250266
16	3 Bennet Street, Wentworthville	Federation bungalow	Lot 43 DP 7330
17	67 Berwick Street, Guildford	“Kelvin”, Federation/ Queen Anne bungalow	Lot 7 DP 734 Sec 10
18	77 Berwick Street, Guildford	Federation bungalow	Lots 31 and 32 DP 734 Sec 5

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
19	21 Boundary Street, Granville	“Harbourne”, Victorian/Georgian residence, garden setting and trees	Lot 10, DP 16645
20	45 Boundary Street, Granville	Victorian cottage	Lot 1 DP 736349
21	69 Boundary Street, Granville	Late Victorian cottage	Lot 10 DP 582471
22	71 Boundary Street, Granville	Late Victorian cottage	Lot 11 DP 582471
23	8 Bridge Road, Wentworthville	“Essington”, late Victorian/Federation residence, garden setting and trees SHR	Lot 57B, DP 357142, Lot 58 DP 33085 and Lot 1 DP 34635
24	54 Bridge Road, Wentworthville	“Yoorooga”, late Victorian cottage	Lot 1 DP 418951
25	11 Byron Road, Guildford	“Linnwood”, Victorian Italianate residence, outbuildings and garden setting	Lot 1 DP 169485 and Lot 1 DP 183017
26	1 Calliope Street, Guildford	Guildford School of Arts, community building, c 1901–1925	Lot 46 DP 9748
27	83 Cardigan Street, Guildford	Electricity substation	Lot 34 DP 734 Sec 3
28	Cornelia Road, Toongabbie	Toongabbie Railway Station	N/A
29	14 Cornelia Road, Toongabbie	CWA Hall, c 1926–1959	Pt Lot 2 DP 450060

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
30	58 Crimea Street, Parramatta	Federation Period cottage	Lot 14 DP 6803
31	Damien Avenue, Greystanes	Public Reserve, remnant tree stands	Lot 10 DP 216141, Lot 75 DP 218384, Lot 8 DP 212933 and Lot 183 DP 209054
32	2 Drew Street, Westmead	Late Victorian cottage	Lot 32 DP 976885
33	63 Dunmore Street, Wentworthville	Former Post Office, c 1926	Lots 8–10 DP 9296
34	190–220 Dunmore Street, Wentworthville	Bonds administrative building, storage, cutting room, former cotton bale room, former bobbin mill (Malvern Starr warehouse)	Lot 1 DP 735207
35	211–215 Dunmore Street, Pendle Hill	Former Bonds administrative building facade	Lot 65 DP 881163
36	222–266 Dunmore Street, Pendle Hill	“Dunmore”, Victorian Italianate residence and garden setting	Lot 3 DP 554208
37	282 Dunmore Street, Pendle Hill	“Ashwood House”, Inter-War Georgian Revival residence	Lot 1 DP 205839 and Lot 5 DP 24728
38	62 Fowler Road, Merrylands	Merrylands Public School	Lots 299–318 DP 628
39	138 Fowler Road, Guildford	“Kia Ora”, Federation/ Queen Anne cottage	Lot 43 DP 9006

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
40	Franklin Street, Mays Hill	Mays Hill Reserve, Fort Macquarie cannon and Mays Hill Cemetery	Lot 1 DP 119247, Lot 1 DP 795277, Crown Land 318– 730 and Lot 370 DP 752058
41	14 Franklin Street, Mays Hill	Late Victorian cottage	Lot 4 DP 934 Sec 35
42	59b Franklin Street, Mays Hill	Former Headmaster's house, Parramatta West Public School	Lot 408 DP 729082
43	6 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 54 DP 10054
44	7 Fullagar Road, Wentworthville	Late Victorian cottage	Lot 239 DP 7383
45	8 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 53 DP 10054
46	10 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 52 DP 10054
47	12 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 51 DP 10054
48	14 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 50 DP 10054
49	16 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 49 DP 10054
50	18 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 48 DP 10054
51	20 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 47 DP 10054

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
52	22 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 46 DP 10054
53	24 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 45 DP 10054
54	26 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 44A DP 10054
55	30 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 43 DP 10054
56	32 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 42 DP 10054
57	38 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 39 DP 10054
58	17 Garfield Street, Wentworthville	Federation Arts and Crafts shop building	Lot 31A DP 305323
59	26 Garfield Street, Wentworthville	Masonic Temple	Lot 19 DP 7330
60	32 Garfield Street, Wentworthville	Inter-War bungalow	Lot 2 DP 565430
61	34 Garfield Street, Wentworthville	Federation Period bungalow	Lot 36 DP 7330
62	38 Garfield Street, Wentworthville	Federation Period/Queen Anne style bungalow	Lot 38 DP 7330
63	41 Garfield Street, Wentworthville	Inter-War cottage	Lot 29C DP 325228
64	42 Garfield Street, Wentworthville	“Nelyambo”, Federation Period bungalow	Lot 40 DP 7330

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
65	45 Garfield Street, Wentworthville	Federation Period residence	Lot 101 DP 830675
66	24 Good Street, Westmead	“The Firs”, Victorian Picturesque Gothic residence	Lot 1 DP 215621
67	245 Great Western Highway, South Wentworthville	“The Wattles”, Victorian/Georgian residence	Lot 100 DP 878926
68	Great Western Highway, Greystanes	Milestone group, Parramatta to Greystanes	N/A
69	Great Western Highway, Prospect	Prospect Hill	N/A
70	Greystanes Road, Prospect	Boral Main Gate, formerly known as the Greystanes Gates, c 1830	Lot 51 DP 1003345
71	379 Guildford Road West, Guildford	“Hazeldene”, late Victorian/Federation/ Queen Anne cottage	Lot 3 DP 212724
72	486 Guildford Road West, Guildford	George McCredie Memorial Church, Federation church, c 1905	Lot 78 DP 2403
73	128 Harris Street, Guildford	“Carsons”, Federation Period cottage	Lot 247 DP 628
74	43 Hassall Street, Westmead	Westmead Progress Association Hall	Lots 31 and 32 Sec C DP 1409

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
75	41–43 Hawkesbury Road, Westmead	“Deskford”, Cabrini Nursing Home, c 1876– 1900	Lots 6 and 7 DP 15726
76	Hawkesbury Road, Westmead	Westmead Public School, c 1917	Lots 1 and 2 DP 850403
77	121 Hawksview Street, Guildford	Late Victorian cottage	Lot 22 DP 24620
78	17 High Street, Granville	Federation Period cottage	Lot 13 DP 976 Sec 2
79	19 High Street, Granville	Late Victorian cottage	Lot 12 DP 976 Sec 2
80	24 High Street, Granville	Late Victorian cottage	Lot C DP 350858 and Lot 1 DP 400652
81	34 High Street, Parramatta	Federation Period cottage	Lot B DP 949735
82	11 Hilltop Road, Merrylands	Late Victorian Period cottage	Lot X DP 405801
83	29 Holroyd Road, Merrylands	Greek Orthodox Church	Lots 30, 31 and 32 Sec 10 DP 2020
84	43 Houison Street, Westmead	Victorian/Georgian cottage	Lot 6 DP 22224
85	2 Hyland Road, Greystanes	House and farm buildings	Lot 2 DP 232228
86	50 Jersey Road, South Wentworthville	“Rosedale”, late Victorian cottage/ Cumberland Model Farms Estate	Lot 2 DP 553544

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
87	70 Jersey Road, South Wentworthville	Late Victorian cottage/ Cumberland Model Farms Estate	Lot 2 DP 717979
88	130 Jersey Road, Merrylands	Late Victorian cottage/ Cumberland Model Farms Estate	Lot 3 DP 213691
89	26 Jordan Street, Wentworthville	Federation Period cottage	Lot 91B DP 373242
90	102 Kenyons Road (also known as 74 Sherwood Road), Merrylands West	“Sherwood Scrubs”, residence and service wing, summer house, garden, setting and outbuildings	Lot 2 DP 1002887
91	42 Lane Street, Wentworthville	Federation cottage	Lot 17 DP 963, Sec 1
92	86 Lane Street, Wentworthville	Electricity substation	Lot A DP 10168
93	8 Ledger Road, Parramatta	“Carrington”, Victorian Italianate residence and grounds	Lot 1 DP 613256
94	20 Ledger Road, Merrylands	“Boori”, Victorian Italianate residence and grounds	Lot 10 DP 712035
95	20 Lichen Place (also known as 20 The Park), Westmead	Federation residence	Lot 2 DP 523943
96	12 McKern Street, Wentworthville	St Andrew’s Presbyterian Church, Federation Carpenter Gothic Church, c 1923	Lot 17 DP 7330

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
97	14 Meehan Street, Granville	Federation Period cottage	Lot 1 DP 998905
98	7 Memorial Avenue, Merrylands	Merrylands Uniting Church, Inter-War church, c 1928	Lot 9B DP 321378
99	285 Merrylands Road, Merrylands	Electrical substation	Lot 501 DP 1032775
100	289 Merrylands Road, Merrylands	Merrylands School of Arts, community building, c 1917–1925	Lot 1 DP 534341
101	340 Merrylands Road, Merrylands	Fire Station (Inter-War Period)	Lot 62 DP 628 Sec 41
102	Military Road, Guildford	Guildford Railway Station SHR	N/A
103	Military Road, Merrylands	Merrylands Railway Station	N/A
104	Military Road, Guildford	Viaduct carrying main pipelines	Lot 1 DP 225813
105	8 Miller Street, Merrylands	Baby health care centre, c 1947	Lot 2 DP 417659
106	30 Monash Street, Wentworthville	Federation Period cottage	Lot 64 DP 963 Sec 4
107	5 Moree Avenue, Westmead	Inter-War bungalow	Lot 135 DP 13731
108	7 Moree Avenue, Westmead	Inter-War bungalow	Lot 134 DP 13731

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
109	9 Moree Avenue, Westmead	“Silver Grove”, Inter-War bungalow	Lot 133 DP 13731
110	11 Moree Avenue, Westmead	“Girraween”, Inter-War bungalow	Lot 132 DP 13731
111	13 Moree Avenue, Westmead	“Maxville”, Inter-War bungalow	Lot 131 DP 13731
112	15 Moree Avenue, Westmead	Inter-War bungalow	Lot 130 DP 13731
113	19 Moree Avenue, Westmead	Inter-War bungalow	Lot 128 DP 13731
114	29 Moss Place (also known as 29 The Park), Westmead	Attached residence	Lot 1 DP 37436
115	30 Moss Place (also known as 30 The Park), Westmead	Attached residence	Lot 2 DP 37436
116	4 Myall Street, Merrylands	Federation Period cottage	Lot Y DP 102677
117	Myee Street, Merrylands	Merrylands East Primary School, c 1928	Lots 6 and 7 DP 4652
118	Nelson Road, Yennora	Yennora Railway Station	N/A
119	1 Oakes Street, Westmead	Federation Period cottage	Lot 1 DP 846379
120	45 O’Neill Street, Guildford	“Myrnville”, late Victorian Period cottage	Lots 13 and 14 DP 875 Sec 32

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
121	63 O'Neill Street, Guildford	Late Victorian cottage	Lot 7B DP 350173
122	284–286 Parramatta Road (also known as 284–286 Sydney Road), Granville	Vauxhall Inn, c 1938–9	Lot 1 DP 126833
123	42 Paton Street, Merrylands West	Late Victorian cottage	Lot 2 DP 816722
124	Pendle Way, Pendle Hill	Pendle Hill Railway Station	N/A
125	Pitt Street, Merrylands	St Peter's Anglican Church, c 1906–1929	Lot 1 DP 77927 and Lot 5 DP 1011093
126	114 Pitt Street, Granville	"Pitt Cottage", late Victorian cottage	Lot A DP 377100
127	Portico Parade, Toongabbie	Portico Park	N/A
128	Portico Parade, Toongabbie (Toongabbie Railway Station)	Railway viaduct	N/A
129	Price Street, Merrylands	Lawson Square Reserve	Lot 379 DP 628 and Lots 1 and 2 DP 250732

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
130	(From) Prospect to Albert Street, Guildford West	Boothtown Aqueduct (previously Greystanes Aqueduct), Aqueduct Valve House No 1, Aqueduct Valve House No 2, Culvert No 1 under Aqueduct, Culvert No 2 under Aqueduct, Lower Prospect Canal Reserve and garden	N/A
131	128–130 Railway Street, Parramatta	Stone boundary marker	Lot 100 DP 713636
132	Railway Street, Granville	Parramatta West Public School, c 1887	Lots 407 and 408 DP 729082
133	Ringrose Avenue, Greystanes	Ringrose Primary School	Lot 11 DP 832083
134	Roseberry Street (cnr Myall Street), Merrylands	Electricity substation	Lot 1 DP 609686
135	56 St Ann Street, Merrylands	Federation Period bungalow	Lot 3 DP 236496
90	74 Sherwood Road (also known as 102 Kenyons Road), Merrylands West	“Sherwood Scrubs”, residence and service wing, summer house, garden, setting and outbuildings	Lot 2 DP 1002887
136	2 and 4 Station Street, Wentworthville	Inter-War Period shopfront with Federation influences	Lots G and H DP 393510
137	6 and 8 Station Street, Wentworthville	“Dobson House”, Federation/Inter-War Period shopfront	Lots 1 and 2 DP 803586

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
138	Steele Street (cnr Great Western Highway), Mays Hill	Boundary marker—Parramatta	Lot 1 DP 119247
122	284–286 Sydney Road (also known as 284–286 Parramatta Road), Granville	Vauxhall Inn, c 1938–1939	Lot 1 DP 126833
139	156 Targo Road, Girraween	“Targo Mahal”, Federation bungalow	Lots 3113 and 3114 DP 849493
140	9 Tennyson Parade, Guildford	Late Victorian/ Federation residence	Lot 13 DP 516727
141	33 Tennyson Parade (also known as 33 Woodpark Road), Guildford	Inter-War bungalow	Lot 3 DP 786707
142	20 The Esplanade, Guildford	Federation Period cottage	Lots 44 and 45 DP 3088 Sec A
143	The Kingsway, Wentworthville	Wentworthville Railway Station	N/A
144	The Kingsway, Wentworthville	Memorial Fountain	N/A
145	14 The Park (also known as 1 Thomas May Place), Westmead	“Allengreen”, Federation bungalow	Lot 4 DP 15214

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
146	15–17 The Park (also known as 15–17 Thomas May Place), Westmead	Inter-War (Mediterranean influences) apartment block	Lot 765 DP 884317
95	20 The Park (also known as 20 Lichen Place), Westmead	Federation residence	Lot 2 DP 523943
114	29 The Park (also known as 29 Moss Place), Westmead	Attached residence	Lot 1 DP 37436
115	30 The Park (also known as 30 Moss Place), Westmead	Attached residence	Lot 2 DP 37436
145	1 Thomas May Place (also known as 14 The Park), Westmead	“Allengreen”, Federation bungalow	Lot 4 DP 15214
146	15–17 Thomas May Place (also known as 15–17 The Park), Westmead	Inter-War (Mediterranean influences) apartment block	Lot 765 DP 884317
147	8 Tottenham Street, Granville	Federation Period cottage	Lot 28 DP 976 Sec 2
148	10 Tottenham Street, Granville	Federation Period attached cottage	Lot 2 DP 205808
149	11 Tottenham Street, Granville	Federation Period attached cottage	Lot 1 DP 205808
150	12 Tottenham Street, Granville	Federation Period cottage	Lot 31 DP 976 Sec 2

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Item No	Address	Description	Real property description
151	14 Tottenham Street, Granville	“Gladstone”, Federation Period cottage	Lot 33 DP 976 Sec 2
152	16 Tottenham Street, Granville	Federation Period cottage	Lots 34 and 35 DP 976 Sec 2
153	18 Tottenham Street, Granville	Federation Period cottage	Lot 37 DP 976 Sec 2
154	19 Tottenham Street, Granville	Federation Period cottage	Lot 38 DP 976 Sec 2
155	20 Tottenham Street, Granville	Federation Period cottage	Lot 401 DP 874493
156	26 Tungarra Road, Toongabbie	“Urana”, late Victorian/ Federation bungalow	Lot 236 DP 8768
157	16 Veron Street, Wentworthville	Inter-War bungalow	Lot 34A DP 302430
158	44 Veron Street, Wentworthville	“Dalremos”, Federation/ Queen Anne bungalow	Lot 26B DP 321872
159	57 Veron Street, Wentworthville	Federation/Queen Anne bungalow	Pt Lot 21 DP 7383
160	7 Villiers Street, Merrylands	Federation Period (Art Nouveau detailing) residence	Lots 35B, 36, 37 and 38 DP 2628 Sec 2
161	33 Walker Street, Merrylands	Federation Period cottage	Lot A DP 435743
162	2 Walpole Street, Holroyd	Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	Lot 2 DP 600621

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Description	Real property description
163	(From) Widemere Road, Prospect to Military Road, Guildford	Pipehead (water supply headworks complex) including rotor screen and deck area (decommissioned), canal section, former residence (now offices), travelling jib cranes, 1917 Ryde Valve House, Nos 1, 2 and 3 water supply pipelines SHR	N/A
141	33 Woodpark Road (also known as 33 Tennyson Parade), Guildford	Inter-War bungalow	Lot 3 DP 786707
164	Woodville Road (cnr Crescent Street), Granville	Railway memorial	N/A

Schedule 1A Heritage conservation areas

(Clause 5 (1))

Area No	Name	Location	Real property description
HCA 1	Tottenham Street Conservation Area	1 Tottenham Street, Granville	Lot 21 DP 976 Sec 2
		2 Tottenham Street	Lot 5 DP 808671
		5-7 Tottenham Street	Lot 47 DP 1036672
		8 Tottenham Street	Lot 28 DP 976 Sec 2
		9 Tottenham Street	Lot 29 DP 976 Sec 2

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Area No	Name	Location	Real property description
		10 Tottenham Street	Lot 2 DP 205808
		11 Tottenham Street	Lot 1 DP 205808
		12 Tottenham Street	Lot 31 DP 976 Sec 2
		13 Tottenham Street	Lot 32 DP 976 Sec 2
		14 Tottenham Street	Lot 33 DP 976 Sec 2
		16 Tottenham Street	Lot 34 DP 976 Sec 2
		16 Tottenham Street	Lot 35 DP 976 Sec 2
		17 Tottenham Street	Lot 36 DP 976 Sec 2
		18 Tottenham Street	Lot 37 DP 976 Sec 2
		19 Tottenham Street	Lot 38 DP 976 Sec 2
		20 Tottenham Street	Lot 401 DP 874493
		13–15 Raymond Street, Granville	Lot 400 DP 874493
HCA 2	Fullagar Road Conservation Area	6 Fullagar Road, Wentworthville	Lot 54 DP 10054
		8 Fullagar Road	Lot 53 DP 10054
		10 Fullagar Road	Lot 52 DP 10054
		12 Fullagar Road	Lot 51 DP 10054
		14 Fullagar Road	Lot 50 DP 10054
		16 Fullagar Road	Lot 49 DP 10054

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Area No	Name	Location	Real property description
		18 Fullagar Road	Lot 48 DP 10054
		20 Fullagar Road	Lot 47 DP 10054
		22 Fullagar Road	Lot 46 DP 10054
		24 Fullagar Road	Lot 45 DP 10054
		26 Fullagar Road	Lot 44A DP 10054
		28 Fullagar Road	Lot 106 DP 14951
		30 Fullagar Road	Lot 43 DP 10054
		32 Fullagar Road	Lot 42 DP 10054
		34 Fullagar Road	Lot 41 DP 10054
		36 Fullagar Road	Lot 40 DP 10054
		38 Fullagar Road	Lot 39 DP 10054
HCA 3	Toohey's Palm Estate Group Conservation Area	5 Moree Avenue, Westmead	Lot 135 DP 13731
		7 Moree Avenue	Lot 134 DP 13731
		9 Moree Avenue	Lot 133 DP 13731
		11 Moree Avenue	Lot 132 DP 13731
		13 Moree Avenue	Lot 131 DP 13731
		15 Moree Avenue	Lot 130 DP 13731
		17 Moree Avenue	Lot 129 DP 13731

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Amendments

Schedule 1

Area No	Name	Location	Real property description
		19 Moree Avenue	Lot 128 DP 13731

Schedule 1B Known or potential archaeological sites

(Clause 5 (1))

Part 1 Archaeological sites

Item No	Address	Name/Description	Real property description
1	190–220 Dunmore Street, Pendle Hill	Bonds site	Lot 1 DP 735207
2	Franklin Street, Mays Hill	Mays Hill Cemetery	Lot 1 DP 795277
3	Great Western Highway	Boral Quarry Site	N/A
4	Hyland Road, Greystanes	Former Farm, Hyland Road Inn and former Post Office	Lot 2 DP 232228
5	Macquarie Road, Greystanes	Boothtown Aqueduct	Lot 1 DP 225808
6	Merrylands Road, Merrylands	Central Gardens	Lots 9A and 9B DP 315747, Pt Lot 8 DP 2138, Lot 1 DP 723964 and Lot 2 DP 230342
7	1–7 Neil Street, Merrylands	Millmaster Feeds site	Lot 11 DP 228782

Holroyd Local Environmental Plan 1991 (Amendment No 39)

Schedule 1 Amendments

Item No	Address	Name/Description	Real property description
8	Portico Parade, Toongabbie (Toongabbie Railway Station)	Railway Viaduct site	N/A

Part 2 Potential archaeological sites

[10] **Schedule 6 Archaeological and potential archaeological sites**

Omit the Schedule.



Marrickville Local Environmental Plan 2001 (Amendment No 12)

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*. (S02/01583/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Marrickville Local Environmental Plan 2001 (Amendment No 12)

Marrickville Local Environmental Plan 2001 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 12)*.

2 Aims of plan

This plan aims, in relation to land to which it applies (*the site*):

- (a) to rezone all of the site from part Residential 2 (A), part Private Open Space 6 (B) and part unzoned to the Residential 2 (C) zone under *Marrickville Local Environmental Plan 2001*, and
- (b) to establish new, and rationalise existing, planning controls to provide for an overall increase in housing stock and provide for the development of a wider choice of housing forms, and
- (c) to ensure that good urban design is a feature of all development on the site, and such design is commensurate with the overall character of South Marrickville, and
- (d) to permit mixed development within the site, including a limited amount of commercial and retail space, and
- (e) to provide floor space incentives for full site amalgamation, and
- (f) to reclassify part of the site from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land in the local government area of Marrickville, as shown coloured pink with red edging and lettered “2C” on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 12)—Zoning Map” deposited in the offices of Marrickville Council.

Marrickville Local Environmental Plan 2001 (Amendment No 12)

Clause 4

4 Amendment of Marrickville Local Environmental Plan 2001

Marrickville Local Environmental Plan 2001 is amended as set out in Schedule 1.

Marrickville Local Environmental Plan 2001 (Amendment No 12)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Definitions

Insert in appropriate order in the definition of *the additional uses development and site specific development controls map*:

Marrickville Local Environmental Plan 2001 (Amendment No 12)—Additional Uses Development and Site Specific Development Controls Map

[2] Schedule 1, definition of “the map”

Insert in appropriate order in the definition:

Marrickville Local Environmental Plan 2001 (Amendment No 12)—Zoning Map

[3] Schedule 2 Additional uses development and site specific development controls

Insert in appropriate alphabetical order in Columns 1 and 2:

Warne Place, South Marrickville

The land is known as Warne Place. It consists of Lots 549 and 550, DP 752049, Lots X and Y, DP 421648, Lot 2, DP 388798, Lot 2, DP 187772, Lot 1, DP 329692, Lot 2, DP 185590, Lots 21, 22 and 23, DP 609856 and Lot 1, DP 186932 and part of Roseby Street, as shown coloured magenta on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 12)—Additional Uses Development and Site Specific Development Controls Map”.

The following *additional uses development*:

- (a) development for the purpose of commercial premises,
- (b) development for the purpose of refreshment rooms,
- (c) development for the purpose of shops,

subject to the condition that the maximum total floor area used for those purposes is 750 square metres at public plaza level in a building on the corner of Illawarra Road and Thornley Street.

Marrickville Local Environmental Plan 2001 (Amendment No 12)

Amendments

Schedule 1

The following *site specific development control* applies:

The maximum floor space ratio of all buildings after development is carried out is:

- (a) 0.75:1 if the development is carried out on a site with a total area of 1,500 square metres or less, or
- (b) 1.0:1 if the development is carried out on a site with a total area of more than 1,500 square metres, but less than 6,000 square metres, or
- (c) 1.2:1 if the development is carried out on a site with a total area of 6,000 square metres or more, except as provided by paragraph (d), or
- (d) 1.5:1 if the site area consists of all of the land described opposite in Column 1, all of that land is amalgamated into one allotment and the development relates to the whole of the site area.

[4] Schedule 3 Classification and reclassification of public land as operational land

Insert in appropriate alphabetical order in Columns 1 and 2 of Part 3:

Marrickville	Part of Warne Place, being Lot Y, DP 421648, Lot 550, DP 752049 and Lots 21, 22 and 23, DP 609856
--------------	---



New South Wales

Moree Plains Local Environmental Plan 1995 (Amendment No 14)

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*. (S01/01820/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Moree Plains Local Environmental Plan 1995 (Amendment No 14)

Moree Plains Local Environmental Plan 1995 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Moree Plains Local Environmental Plan 1995 (Amendment No 14)*.

2 Aims of plan

This plan aims to facilitate the proposed Moree By-pass, which is to be sited on land zoned Special Uses—Community Purposes (Railway) under *Moree Plains Local Environmental Plan 1995*, by including roads as a permissible land use on that land.

3 Land to which plan applies

This plan applies to all land within the Moree Plains local government area zoned Special Uses—Community Purposes (Railway) under *Moree Plains Local Environmental Plan 1995*.

4 Amendment of Moree Plains Local Environmental Plan 1995

Moree Plains Local Environmental Plan 1995 is amended as set out in Schedule 1.

Moree Plains Local Environmental Plan 1995 (Amendment No 14)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Clause 34A

Omit the clause. Insert instead:

34A Development on railway land

Development for the purposes of roads or utility installations (or both) may, with the consent of the council, be carried out on land within Zone No 5 if the land use specified on the map in relation to the land is "railways".



New South Wales

Queanbeyan Local Environmental Plan 1998 (Amendment No 35)

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*. (Q02/00160/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Queanbeyan Local Environmental Plan 1998 (Amendment No 35)

Queanbeyan Local Environmental Plan 1998 (Amendment No 35)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 35)*.

2 Aims of plan

This plan aims to amend *Queanbeyan Local Environmental Plan 1998* in order:

- (a) to enable the Queanbeyan City Council to consent to development for particular identified purposes on 3 sites where such development would otherwise not be permitted, and
- (b) to rezone certain land at Jerrabomberra, known as Lot 5, DP 1037309, from Zone 3 (a) Business A to Zone 2 (d) Residential D, and
- (c) to restrict the height of proposed dual occupancy housing to ensure that the number of storeys does not exceed one, or if the existing dwelling on the same allotment and any existing dwellings on adjoining allotments are each 2 storeys or greater, the number of storeys of the proposed development does not exceed 2.

3 Land to which plan applies

This plan applies to all land to which *Queanbeyan Local Environmental Plan 1998* applies.

4 Amendment of Queanbeyan Local Environmental Plan 1998

Queanbeyan Local Environmental Plan 1998 is amended as set out in Schedule 1.

Queanbeyan Local Environmental Plan 1998 (Amendment No 35)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 11 Exceptions to the general development control clauses

Insert after clause 11 (s):

- (t) Lot 4, DP 8396 or 77 Uriarra Road
 - general garden maintenance equipment—sales, hire and repairs,
- (u) Lot 2, DP 828685 or 135 Uriarra Road
 - commercial premises/shop,
- (v) Lots 1–6, SP 40615 or 1 Buttle Street
 - commercial premises.

[2] Clause 25 Multi dwelling housing—matters for consideration

Insert after clause 25 (c):

, and

- (ca) in the case of dual occupancy housing and despite paragraph (c), the number of storeys does not exceed one, or if the existing dwelling on the same allotment and any existing dwellings on adjoining allotments are each two storeys or greater, the number of storeys of the proposed development does not exceed two.

[3] Schedule 1 Dictionary

Insert in appropriate order in the definition of *the map*:

Queanbeyan Local Environmental Plan 1998
(Amendment No 35)



New South Wales

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)

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*. (W96/00234/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)*.

2 Aims of plan

This plan aims to allow, with the consent of the Council of the City of Shoalhaven, the erection of a dwelling-house on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land situated in the City of Shoalhaven, being Lot 4, DP 8771, Birriga Avenue, Worrowing Heights in the Parish of Bherwerre, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)" deposited in the office of the Council of the City of Shoalhaven.

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

City of Shoalhaven Local Environmental Plan 1985 is amended by inserting at the end of Schedule 9 the following words:

Lot 4, DP 8771, Birriga Avenue, Worrowing Heights in the Parish of Bherwerre, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)"—the erection of a dwelling-house on the northern side of the building line as indicated by a broken black line on that map.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

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*. (S00/01777/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

1 Name of plan

This plan is *Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)*.

2 Aims of plan

This plan aims:

- (a) to rezone land at Brighton Street, Bundeena from the 3 (a) General Business zone to the 3 (b) Neighbourhood Business zone under *Sutherland Shire Local Environmental Plan 2000*, and
- (b) to rezone various parcels of land from the 2 (a1) Residential zone to the 2 (e1) Residential zone under that plan, and
- (c) to rezone various parcels of land from the 2 (a1) Residential zone to the 2 (e2) Residential zone under that plan, and
- (d) to amend current development standards to reflect the unique characteristics of the villages of Bundeena and Maianbar, within the 2 (a1) Residential, 2 (e1) Residential, 2 (e2) Residential and 9 (a) Mixed Residential/Business zones under that plan.

3 Land to which plan applies

This plan applies to all land at Bundeena and Maianbar, as shown on the map marked "Sutherland Shire Local Environmental Plan 2000—Amendment No 3" kept in the office of Sutherland Shire Council.

4 Amendment of Sutherland Shire Local Environmental Plan 2000

Sutherland Shire Local Environmental Plan 2000 is amended as set out in Schedule 1.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Clause 5

5 Savings

A development application lodged with Sutherland Shire Council but not finally determined before the commencement of this plan is to be assessed and determined under the provisions of *Sutherland Shire Local Environmental Plan 2000* as if this plan had been exhibited under the Act but had not been made.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 20 Foreshore building lines and waterfront development

Insert “(unless located in the area of Bundeena or Maianbar)” after “point” in clause 20 (4) (c).

[2] Clause 34 What height limits apply in residential zones?

Insert “, buildings in the area of Bundeena or Maianbar” after “zone” in clause 34 (2) (a).

[3] Clause 34 (3)

Insert after clause 34 (2):

- (3) For land located in the area of Bundeena or Maianbar, the Council must consider any height limit recommended in a development control plan applying to the land.

[4] Clause 36 What minimum landscaped area requirements apply in residential zones?

Insert “, other than an allotment in the area of Bundeena or Maianbar,” after “zone” in clause 36 (2).

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Amendments

Schedule 1

[5] Clause 36 (4)

Insert after clause 36 (3):

- (4) The minimum landscaped area for an allotment in a residential zone in the area of Bundeena or Maianbar is as indicated in the following table:

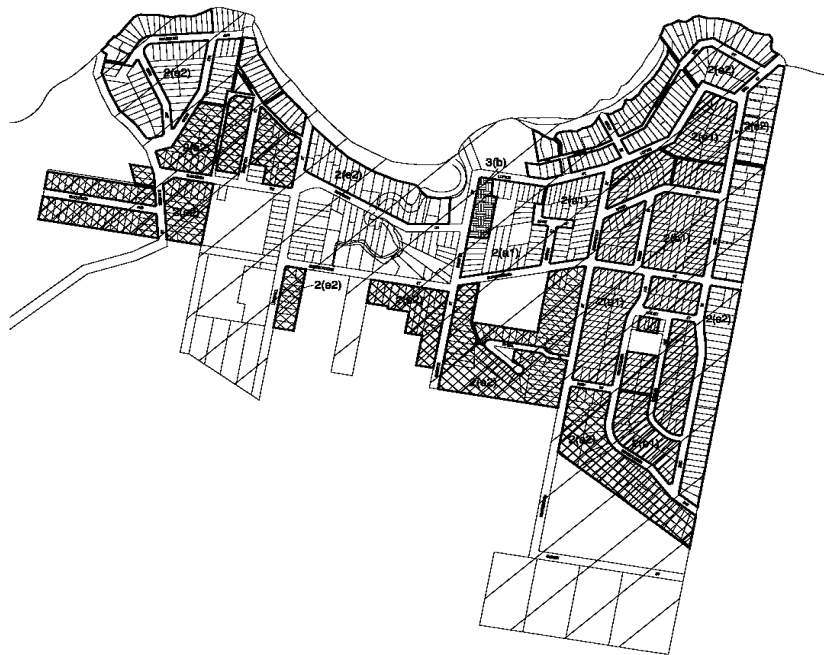
Zone	Minimum landscaped area required as percentage of allotment (FSPA means Foreshore Scenic Protection Area)
2 (a1) Residential	55% when in FSPA
2 (e1) Residential	60% when in FSPA
2 (e2) Residential	60% when in FSPA

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Schedule 1 Amendments





[6] Schedule 7 Maps

Insert in numerical order in Part 1:



Map 12: Sheet 1

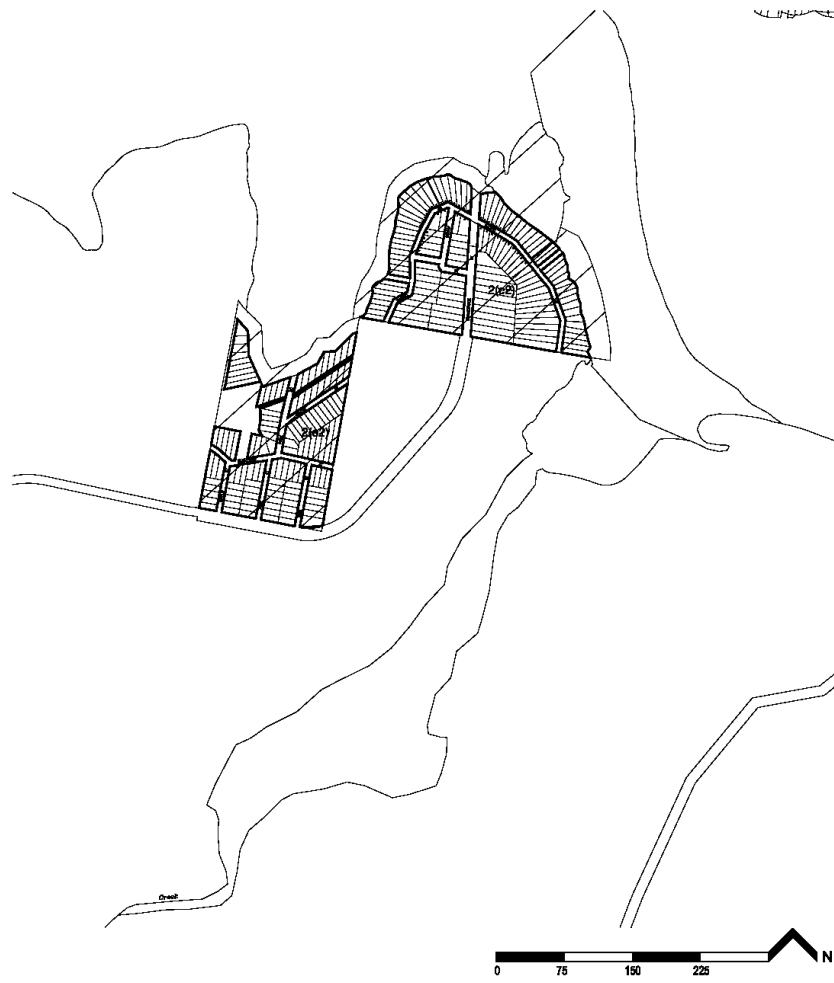
Location BUNDEENA

- | | | |
|---|---|---|
|  2(e1) Residential |  2(e2) Residential |  3(b) Neighbourhood Business |
|  F.S.P.A. | | |

Sutherland Shire Local Environmental Plan 2000 (Amendment No 3)

Amendments

Schedule 1



Map 12: Sheet 2

Location MAIANBAR

 F.S.P.A.



New South Wales

Tamworth Local Environmental Plan 1996 (Amendment No 16)

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*. (S01/01008/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Tamworth Local Environmental Plan 1996 (Amendment No 16)

Tamworth Local Environmental Plan 1996 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tamworth Local Environmental Plan 1996 (Amendment No 16)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies to Zone No 1 (h) Rural Small Holdings under *Tamworth Local Environmental Plan 1996*, and
- (b) to specify development controls applying to that land, and
- (c) to require the Council to take into account certain matters in considering whether to grant consent to any development on that land, if it considers that the site of the development is likely to be affected by bushfire.

3 Land to which plan applies

This plan applies to the land within the City of Tamworth that is shown edged heavy black on the map marked "Tamworth Local Environmental Plan 1996 (Amendment No 16)" deposited in the office of Tamworth City Council.

4 Amendment of Tamworth Local Environmental Plan 1996

Tamworth Local Environmental Plan 1996 is amended as set out in Schedule 1.

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] **Clause 6 How are types of development and other terms defined in this plan?**

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Tamworth Local Environmental Plan 1996 (Amendment No 16)

[2] **Clause 6 (3)**

Insert after clause 6 (2):

(3) Notes included in this plan do not form part of this plan.

[3] **Clause 8 What zones apply in this plan?**

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h) Rural Small Holdings—coloured light brown, edged scarlet and lettered “1 (h)”,

[4] **Clause 10 What rural zones apply in this plan?**

Insert before the development control table:

1 (h) Rural Small Holdings

[5] **Clause 10, development control table**

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h) Rural Small Holdings

1 Objectives of the zone

- (1) The general objectives of this zone are:
 - (a) to identify rural land in the Hills Plain East area of the City of Tamworth suitable for closer settlement, and
 - (b) to facilitate and promote an increased range of living opportunities by providing for very low intensity residential development compatible with the rural and environmental characteristics of the locality.
- (2) The specific objectives of this zone are:
 - (a) to permit the use of rural land for very low density residential purposes in accordance with the *Hills*

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Schedule 1 Amendments

Plain Master Plan adopted by the Council on 26 March 1996, and

- (b) to provide for the creation of rural-oriented living areas by allowing the subdivision of land into a variety of appropriate allotment sizes, and
 - (c) to provide for a style of residential living which is not appropriate for urban areas, and
 - (d) to ensure the type and intensity of development is consistent with the environmental constraints of the land and retention of an essentially rural landscape character, and
 - (e) to ensure development of the Hills Plain East area does not impact on the efficient and effective continuation of operation of the Tamworth City Council Recycling and Waste Disposal Depot.
- (3) Development for the purposes of the following is usually not consistent with the objectives of this zone:
 airport-related land uses; aquaculture; car parks; commercial premises; helicopter landing sites; hotels; institutions; materials recycling yards; medical centres; retail plant nurseries; roadside stalls; rural industries; rural workers' dwellings; service stations; shops; stock and sale yards; veterinary hospitals.

2 Development allowed without development consent

Development for the purpose of:
 bushfire hazard reduction.

3 Development allowed only with development consent

Any development not included in Item 2 or 4.

4 Development which is prohibited

Development for the purpose of:
 abattoirs,
 advertisements (other than advertisements ancillary to development permitted in the zone),
 airports,
 brothels,
 bulky goods sales rooms or showrooms,
 depots,
 drive-in take-away food shops,
 extractive industries,
 feed lots,
 hazardous industries,
 hazardous storage establishments,
 heliports,

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Amendments

Schedule 1

industries,
liquid fuel depots,
major commercial premises,
major retail premises,
mines,
multiple dwellings,
offensive industries,
offensive storage establishments,
passenger transport terminals,
road transport terminals,
sawmills,
serviced apartments,
vehicle body repair workshops,
vehicle repair stations,
warehouses or distribution centres,
waste disposal depots.

[6] Clause 11 What are the minimum areas for subdivision of land zoned 1 (a), 1 (c), 1 (d), 1 (e) or 1 (h)?

Omit “1 (d) or 1 (e)”. Insert instead “1 (d), 1 (e) or 1 (h)”.

[7] Clause 11

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h)—4000m².

[8] Clauses 17A and 17B

Insert after clause 17:

17A What provisions apply to subdivision in the “Hills Plain East area”?

- (1) This clause applies to the Hills Plain East area.
- (2) The Council must not grant consent to the subdivision of land to which this clause applies, being an existing holding listed in Column 1 of the following table, unless the number of allotments to be created from the holding is equal to or less than the number shown opposite the listed existing holding in Column 2 of the table.

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Schedule 1 Amendments

Existing holding	Maximum number of allotments
Lot 301, DP 753848	25
Portion 299	27
Portion 302	23
Portion 353	3
Portion 354	3
Portion 355	3
Portion 356	8

Note. Under clause 11, the Council may grant consent for the subdivision of land zoned 1 (h) only if each allotment proposed to be created in the subdivision has an area of not less than 4000m².

- (3) The Council must not grant consent to the subdivision of land to which this clause applies, being existing holding Lot 1, DP 1033583 and existing holding Portion 148, unless:
- (a) each allotment to be created in the subdivision has an area of not less than 1 hectare in accordance with the *Hills Plain Master Plan* adopted by the Council on 26 March 1996, and
 - (b) the number of allotments to be created is equal to or less than 29 allotments in the case of Lot 1, DP 1033583 or 25 allotments in the case of Portion 148.
- (4) The area of each allotment to be created in accordance with this clause must, in the opinion of the Council, be sufficient to accommodate:
- (a) on-site disposal of effluent or a pressure sewer system, and
 - (b) an appropriate building envelope that would not impact on:
 - (i) items of Aboriginal cultural heritage, or
 - (ii) vegetation of conservation significance, or
 - (iii) other items of significance that may be identified in the *Hills Plain East Development Control Plan* adopted by the Council on 26 November 2002.

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Amendments

Schedule 1

- (5) In this clause:

existing holding means an allotment, portion or parcel of land as it was in existence on the date of gazettal of *Tamworth Local Environmental Plan 1996 (Amendment No 16)*.

Hills Plain East area means the land known as the Hills Plain East area and shown edged heavy black and lettered "1 (h)" on the map marked "Tamworth Local Environmental Plan 1996 (Amendment No 16)".

17B What matters will Council consider if a development application proposes development in the "Hills Plain East area" on bushfire prone land?

- (1) In considering whether to grant consent to any development on land in the Hills Plain East area that, in the opinion of the Council, is likely to be affected by bushfire, the Council must take into account whether:
- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Council, and
 - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the development, and
 - (c) any increased demand for emergency services during bushfire events created by the development would lead to a significant decrease in the ability of emergency services personnel to effectively control major bushfires, and
 - (d) any measures adopted to avoid or mitigate the threat from bushfire (including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas, landscaping and fire control aids, such as roads and water supplies) are inadequate for the locality or would result in unacceptable environmental impacts.
- (2) In considering the matters referred to in subclause (1), the Council must have regard to and, as much as possible, be satisfied that, the provisions of *Planning for Bushfire Protection* have been met.

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Schedule 1 Amendments

(3) In this clause:

Hills Plain East area has the same meaning as in clause 17A.

Planning for Bushfire Protection means the document of that name published in December 2001 by the NSW Rural Fire Service, a copy of which is available for inspection at the office of the Council.



New South Wales

Tweed Local Environmental Plan 2000 (Amendment No 43)

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*. (G94/00270/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 43)

Tweed Local Environmental Plan 2000 (Amendment No 43)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 43)*.

2 Aims of plan

This plan aims to allow, with the consent of Tweed Shire Council, the erection of a dwelling house on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land situated in the area of Tweed, being Lot 1, DP 1009372, Skyline Drive, Tweed Heads West.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by inserting at the end of Schedule 3 under the headings “**Additional development permitted with development consent**” and “**Conditions**”, respectively, the following words:

Lot 1, DP 1009372, Skyline Drive, Tweed Heads West	Development for the purpose of a dwelling house	An application for consent made pursuant to this item must not be granted unless the application is made within 2 years after the commencement of <i>Tweed Local Environmental Plan 2000 (Amendment No 43)</i>
--	--	--

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 –
DIRECTION UNDER SECTION 76A(7)**

I, the Minister for Infrastructure and Planning, under section 76A(7) of the *Environmental Planning and Assessment Act 1979*, having formed the opinion that the particular development set out in Schedule 1 is of State environmental planning significance declare it to be State Significant Development.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney, 28 August 2003

File: S03/01684

SCHEDULE

Development by Visy Pulp and Paper for a Recyclable Materials Sorting Facility on land off Baker Street, described as Lots 15,16,17,18,19,20,21 and 22 DP 1052531, in the local government area of Botany Bay.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DECLARATION**

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

Craig Knowles, MP
Minister for Infrastructure and Planning

Sydney, 3 September 2003

Schedule

Development of the site known as Lot 1 DP 219637, Lot 1 DP 511513 and Lot 1 DP 433839, Gosford.

Natural Resources

WATER ACT 1912

Notice Under Section 22B

Lifting of Pumping Restrictions – Numeralla River

THE Water Administration Ministerial Corporation, pursuant to section 22B(3) of the Water Act 1912, being satisfied that the quantity of water available in the Numeralla River has sufficiently recovered following recent rains, hereby gives notice to holders of licenses and permits issued under Part 2 of the Water Act 1912, other than for stock and domestic water supply purposes, that all restrictions previously imposed are hereby lifted until further notice.

Dated this 8th day of September 2003.

W. FORD,
Regional Director,
Murrumbidgee Region.

WATER ACT 1912

Notice Under Section 22B

Unregulated Rivers

THE Department of Infrastructure Planning and Natural Resources pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Piallamore Ana Branch is insufficient to meet all requirements with respect to the taking of water therefrom, hereby gives notice to all holders of permits, authorities and licences issued under Part 2 of the Water Act 1912, that as from 12 September 2003, extraction of water other than for stock and domestic purposes is hereby restricted to the hours 6:00 p.m. to 6:00 a.m., until further notice.

RANDALL HART,
Regional director,
Barwon Region.

WATER ACT 1912

Section 117E of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders that the Great Artesian Basin Zone 1A water source is unlikely to have sufficient water available to meet the requirements of groundwater entitlements in this Zone. Accordingly, water allocations for groundwater entitlements will be reduced to 80%. This notice shall have effect from the date of publication hereof to 30 June 2004. This notice only applies to bores for Irrigation and Industrial purposes.

Dated this 5th day of September 2003.

Signed for the Water Administration Ministerial Corporation:

RANDALL HART,
Regional Director,
Barwon Region,
Department of Infrastructure, Planning
and Natural Resources
(by delegation).

WATER ACT 1912

Notice Under Section 20Z of the Water Act 1912

Volumetric Water Allocation Scheme

Toonumbar Dam and the Regulated Sections of Iron Pot Creek and Eden Creek

THE Department of Infrastructure, Planning and Natural Resources is satisfied that during the 2003/2004 water year, the water sources of Iron Pot Creek and Eden Creek below Toonumbar Dam and including Toonumbar Dam storage area which are subject to a scheme pursuant to section 20X of the Water Act 1912, is unlikely to have sufficient water available to meet all the requirements of persons authorised by law to take water from the water sources or to meet other requirements previously determined by the Department.

Consequently, for the 2003/2004 water year, except as provided hereunder, all general security allocations from Toonumbar Dam are reduced to 20% of their basic allocation.

This reduction shall take effect on and from 1 July 2003.

This reduction does not apply to the allocations under entitlements for town water supply, stock, domestic and farming purposes.

Dated this 13th day September 2003.

Signed for the Department of Infrastructure, Planning and Natural Resources.

D. SCHRODER,
Regional Director,
North Coast Region.

WATER ACT 1912

Notice Under Section 20Z

Water Allocation Announcement

Regulated Bega/Brogo River System Including Tributaries

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Bega/Brogo regulated river system (being subject to a Volumetric Allocation scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of those persons authorised by law to take water from the water source.

By this Order, the Ministerial Corporation being satisfied of the above hereby announces the water allocations under the said scheme for the 2003/2004 water year to be the proportions specified in Schedule 1. This Order shall have effect from 5 September 2003 to 30 June 2004 and supersedes earlier announcements. This Order applies to all entitlements subject to the Volumetric Allocation Scheme other than high security users.

Dated this 4th day of September 2003.

Signed for the Water Administration Ministerial Corporation.

AXEL TENNIE,
Regional Director,
Sydney/South Coast Region.

SCHEDULE 1

Water allocation for the full 2003/2004 water year is now 45% of entitlement.

WATER ACT 1912

Amendment of Order Made Under Section 5(1)

THE Water Administration Ministerial Corporation varies the order published in the *Government Gazette* on 19 July 2002, at Folio 5493, by deleting from its application the works sought to be covered by the following three amnesty registrations:

- 50AE305082
- 50AE305104
- 50AE305105

Upon the publication of this Order the works referred to in the amnesty registrations cannot be used to take and use water under the authority of the Water Act 1912.

Dated: 4 September 2003.

Signed for the Water Administration Ministerial Corporation:

JENNIFER WESTACOTT,
Director General,
Department of Infrastructure,
Planning and Natural Resources.

WATER ACT 1912

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

Grant Andrew BREWER for a pump on Moncks Creek, Pt120//1052408, Parish of Wallagoot, County of Auckland, for water supply for stock and domestic purposes (new licence) (Reference: 10SL56518) (GA2:509161).

Veikko Matias RAHKOLA for an existing overshot dam and pump on an unnamed watercourse, 101//554108, Parish of Narara, County of Northumberland, for the irrigation of 7.0 hectares (citrus) (lodged under the 1998 NSW Water Amnesty — not subject to the 1995 Hawkesbury/Nepean Embargo — new licence) (Reference: 10SL56047) (GA2:462945).

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

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

W. CONNERS,
Natural Resource Project Officer,
Sydney/South Coast Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 3935, Parramatta, NSW 2124.

WATER ACT 1912

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

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

Barwon/Darling River Valley

Marcel John CANN and Lynette Ruth SCHUTZ, for 1 pump on the Darling River, Crown Land Lot 5103/720104, Parish of Wentworth, County of Wentworth, for domestic purposes (new licence — domestic purpose only) (Reference: 60SL085438) (GA2:512583).

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.

Department of Lands

ARMIDALE OFFICE
Department of Lands
108 Faulkner Street (PO Box 199A), Armidale, NSW 2350
Phone: (02) 6772 5488 Fax (02) 6771 5348

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 roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each Schedule 1, cease to be Crown roads.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE 1

*Parish – Bookookoorara; County – Buller;
 Land District and L.G.A. – Tenterfield.*

The Crown road shown by black colour on the diagram hereunder, being the extension of Wallaroo Range Road.



SCHEDULE 2

Roads Authority: Tenterfield Shire Council.

File No.: AE03 H 162.

Council's Reference: CM354/03. BT:LG

GRAFTON OFFICE
Department of Lands
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1

Land District: Lismore.
Local Government Area:
Lismore City Council.
Locality: North Codrington.
Reserve No.: 50707.
Public Purpose: Quarantine.
Notified: 26 May 1915.
File No.: GF01 H 46/1.

COLUMN 2

The whole being Lot 55, DP No.
755736, Parish South
Gundurimba, County Rous; Lot
184, DP No. 755728, Parish
North Codrington, County Rous
of an area of 9017 square metres.

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. 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

Land District – Murwillumbah; L.G.A. – Tweed.

Road Closed: Lot 1, DP 1057594 at Fernvale, Parish
Condong, County Rous.

File No.: GF01 H 206.

SCHEDULE

On closing, the land within Lot 1 remains vested in Tweed Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils' Reference: GR3/12/1 608473.

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 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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Robyn Dawn KESBY (new member), Robert Allen BRUCE (new member), Graham Robert MOORE (new member), Barbara JONES (new member), Timothy George SHEPHERD (new member), Julie STOWE (new member), Anabel MacDONALD (new member).	Pambula Wetlands and Heritage Reserve Trust.	Reserve No.: 1004108. Public Purpose: Public recreation and coastal environmental protection. Notified: 4 October 2002. File No.: NA03 R 4/1.

Term of Office

For a term commencing this day and expiring 11 September 2008.

Note: The term of office of the Administrator appointed on 11 April 2003, to manage the Pambula Wetlands and Heritage Reserve Trust ceased on 11 September 2003.

DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATIONS 2001

THE Minister Assisting the Minister for Natural Resources (Lands) has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the Nowra Office of the Department of Lands, 5 O'Keefe Avenue, Nowra, the Bega Office of the Department of Lands, 106 Auckland Street, Bega and at the Bega Valley Shire Council Offices at Zingle Place, Bega and 116 Imlay Street, Eden, during normal business hours.

Representations are invited on the draft assessment and may be made in writing for a period commencing from 12 September until 24 October 2003 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 118, Bega 2550.

TONY KELLY, M.L.C.,
 Minister assisting the Minister for
 Natural Resources (Lands)

Description

All the Crown Lands between Oman Point to the southern bank of Curalo Lake and west to the boundary of the Nullica State Forest. Part of the Twofold Bay area is also contained within the study area, including the Eden Port facility and part of Cattle Bay in the Parishes of Bimmil and Eden, County of Auckland within Bega Valley Shire Council local government area.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

Contact: Mr Noel Whittem, phone: (02) 6491 6202.

File No.: NA03 H 122.

ORANGE OFFICE
Department of Lands
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

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 roads.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE 1

The Crown public road part south of Lot 60 in Deposited Plan 757037 (eastern 300 metres) in Parish Balfour, County Westmoreland and Land District of Bathurst.

File No.: OE02 H 364.

SCHEDULE 2

Road Authority: Oberon Council.

Council Reference: E31.5.

REVOCATION OF RESERVATION OF CROWN LAND

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE**COLUMN 1**

Land District: Condobolin.
 Local Government Area:
 Lachlan Shire Council.
 Locality: Condobolin.
 Reserve No.: 90902.
 Public Purpose: Boy Scouts.
 Notified: 16 September 1977.
 File No.: OE03 R 4/1.

COLUMN 2

The whole being Lot 2, section 7,
 DP No. 758271, Parish
 Condobolin, County
 Cunningham, of an area of 556
 square metres.

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust, which is constituted in respect of the reserve specified in the Schedule hereunder, is dissolved.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

Dedication No.: 590011.

Public Purpose: Public recreation.

Notified: 25 October 1929.

File No.: OE03 R 7/1.

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**

Forbes Shire Active
 Recreation Areas Reserve
 Trust.

COLUMN 2

Dedication No.: 590011.
 Public Purpose: Public recreation.
 Notified: 25 October 1929.
 File No.: OE03 R 7/1.

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

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

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified 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.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Peter William MANN.	Wentworth Park Sporting Complex Trust.	Public Park No.: 500010. Public Purpose: Public park. Notified: 10 November 1885. File No.: MN80 R 279/13.

Term of Office

For a six (6) months term expiring 18 February 2004.

TAREE OFFICE
Department of Lands
98 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

—————
 SCHEDULE

COLUMN 1

Bruce Porter Reserve
 (R97326) Trust.

COLUMN 2

Reserve No.: 97326.
 Public Purpose: Public recreation.
 Notified: 22 June 1984.
 Location: Laurieton.
 Parish: Camden Haven.
 County: Macquarie.
 File No.: TE02 R 35.

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

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 – Kempsey;
Local Government Area – Kempsey Shire.

Road Closed: Lot 100, DP 1054699 at Stuarts Point, Parish of Yarrahapinni, County of Dudley.

File No.: TE02 H 203.

Note: On closing, the land within Lot 100 remains vested in the State of New South Wales as Crown Land.

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 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.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

—————
 SCHEDULE

COLUMN 1

David William
 CROAD,
 Glen Charles
 BROWN,
 Neville John
 BARNETT
 (new members),
 Lewis NICHOLL,
 Patrick Joseph
 CLARKE
 (reappointments).

COLUMN 2

Hat Head Dune
 Management
 Trust.

COLUMN 3

Reserve No: 210060.
 Public Purpose:
 Environmental
 protection.
 Notified: 8 July 1988.
 File No.: TE93 R 18/1.

—————
 Term of Office

For a term commencing the date of this notice and expiring
 11 September 2008.

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

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Yanco.	The whole being Lot 7013,
Local Government Area: Leeton Shire Council.	DP No. 1037797, Parish Yarangery, County Cooper,
Locality: Leeton.	of an area of 1.06 hectares.
Reserve No.: Un-notified.	
Public Purpose: Plantation.	
File No.: GH96 H 105/1.	

Note: It is intended to reserve the land for access.

**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
Leeton Shire Council Crown Reserves Reserve Trust.	Reserve No.: 1005048. Public Purpose: Access. Notified: This day. File No.: GH96 H 105/1.

RESERVATION OF CROWN LAND

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Yanco.	Reserve No.: 1005048.
Local Government Area: Leeton Shire Council.	Public Purpose: Access.
Locality: Leeton.	
Lot 7013, DP No. 1037797, Parish Yarangery, County Cooper.	
Area: 1.06 hectares.	
File No.: GH96 H 105/1.	

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T03-0838)

No. 2159, JOHN LESLIE LOVE, area of 2 units, for Group 1 and Group 2, dated 2 September 2003. (Inverell Mining Division).

(T03-0839)

No. 2160, EXCO RESOURCES NL (ACN 080 339 671), area of 16 units, for Group 1, dated 4 September 2003. (Orange Mining Division).

(T03-0840)

No. 2161, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 81 units, for Group 1, dated 5 September 2003. (Cobar Mining Division).

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T02-0788)

No. 2042, now Exploration Licence No. 6119, HILL END GOLD LIMITED (ACN 072 692 365), Counties of Bathurst and Wellington, Map Sheet (8731, 8732), area of 104 units, for Group 1, dated 25 August 2003, for a term until 24 August 2005.

(T03-0060)

No. 2105, now Exploration Licence No. 6121, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Robinson, Map Sheet (8134), area of 6 units, for Group 1, dated 22 August 2003, for a term until 21 August 2005.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

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

(T00-0014)

Exploration Licence No. 5784, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 50 units. Application for renewal received 28 August 2003.

(C03-0029)

Consolidated Coal Lease No. 732 (Act 1973), CHARBON COAL PTY LIMITED (ACN 064 237 118) and SK AUSTRALIA PTY LIMITED (ACN 003 964 225), area of 1024 hectares. Application for renewal received 4 September 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T94-0331)

Exploration Licence No. 4811, GATEWAY MINING NL (ACN 008 402 391), Counties of Clarendon and Harden, Map Sheet (8528), area of 16 units, for a further term until 19 March 2005. Renewal effective on and from 3 September 2003.

(T97-1306)

Exploration Licence No. 5474, PROBO MINING LIMITED (ACN 079 938 819), IMPERIAL MINING (AUST) NL (ACN 062 193 266) and PEREGRINE MINERAL SANDS NL (ACN 009 307 591), Counties of Perry, Wentworth and Windeyer, Map Sheet (7331, 7332, 7431, 7432), area of 450 units, for a further term until 22 April 2005. Renewal effective on and from 19 August 2003.

(T00-0119)

Exploration Licence No. 5812, UNIVERSAL RESOURCES LIMITED (ACN 090 468 018), County of Argyle, Map Sheet (8728, 8828), area of 16 units, for a further term until 13 February 2005. Renewal effective on and from 3 September 2003.

(T02-0163)

Mining Purposes Lease No. 132 (Act 1973), ALLAN BAMFORD and FIONA BAMFORD, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 9416 square metres, for a further term until 14 February 2009. Renewal effective on and from 15 February 2004.

(T94-0560)

Mining Purposes Lease No. 274 (Act 1973), GORDON JAMES KEPPIE and SANDRA LEE KEPPIE, Parish of Mebea, County of Finch, Map Sheet (8439-2-S), area of 4.316 hectares, for a further term until 16 October 2008. Renewal effective on and from 17 October 2003.

(T01-0026)

Mining Purposes Lease No. 282 (Act 1973), MALCOLM DONALD HOLLAND, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 1.466 hectares, for a further term until 17 February 2008. Renewal effective on and from 28 August 2003.

(T01-0718)

Mining Purposes Lease No. 1297 (Act 1906), EOE (NO.75) PTY LTD (ACN 006 829 787), Parish of Ramsay, County of Bourke, Map Sheet (8229-2-N), area of 7.987 hectares, for a further term until 31 December 2015. Renewal effective on and from 8 January 2004.

(T01-0719)

Mining Purposes Lease No. 1298 (Act 1906), EOE (NO.75) PTY LTD (ACN 006 829 787), Parish of Ramsay, County of Bourke, Map Sheet (8229-2-N), area of 2.023 hectares, for a further term until 31 December 2015. Renewal effective on and from 8 January 2004.

(T01-0720)

Mining Purposes Lease No. 1300 (Act 1906), EOE (NO.75) PTY LTD (ACN 006 829 787), Parish of Ramsay, County of Bourke, Map Sheet (8229-2-N), area of 20.53 hectares, for a further term until 31 August 2015. Renewal effective on and from 8 January 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

**CANCELLATION OF AUTHORITY AT REQUEST OF
HOLDER**

NOTICE is given that the following authority has been cancelled:

(T97-1134)

Exploration Licence No. 5478, PLATSEARCH NL (ACN 003 254 395), County of Menindee, County of Tandora, County of Windeyer and County of Yancowinna, Map Sheet (7132, 7232, 7233), area of 109 units. Cancellation took effect on 29 August 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

TRANSFERS

(T03-0755)

Mining Lease No. 1196 (Act 1973), formerly held by RIVERINA MINERALS PTY LTD (ACN 090 508 204) has been transferred to BORAL BRICKS PTY LTD (ACN 082 448 342). The transfer was registered on 4 September 2003.

(T00-0414)

Mining Purposes Lease No. 279 (Act 1973), formerly held by KAREN ANNE SECKOLD has been transferred to MALCOLM ROLSTONE. The transfer was registered on 28 August 2003.

(T03-0755)

Private Lands Lease No. 1155 (Act 1924), formerly held by RIVERINA MINERALS PTY LTD (ACN 090 508 204), has been transferred to BORAL BRICKS PTY LTD (ACN 082 448 342). The transfer was registered on 4 September 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

Notice under the Roads Transport (Mass, Loading and Access) Regulation, 1996

Singleton Council, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 1996, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Doubles may be used.

G. McTaggart
MANAGER – WORKS for S.C. M cGrath GENERAL MANAGER

Singleton Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Singleton Council B-Double Repeal Notice No 1, 2003

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The Singleton Council B-Double Notice 1, 2003 is amended by omitting the following from that Notice:

Type	Rd No.	Road	Starting Point	Finishing Point
25	128	John Street, Singleton	Campbell Street	Ryan Avenue/Hunter Street
25	128	Ryan Avenue, Singleton	John St//Hunter St	Burns Lane
25	000	Burns Lane, Singleton	Ryan Avenue	Woolworths Petrol Plus

ROADS ACT 1993

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

Singleton 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.

G. McTaggart
MANAGER – WORKS for S.C. McGrath GENERAL MANAGER

Singleton Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Singleton Council B-Doubles Notice No. 2, 2003.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until unless it is amended or repealed earlier.

4. Application

This Notice applies to those 19 metre 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- Doubles routes within the Singleton Council.**

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
19	128	John Street, Singleton	Campbell Street	Hunter Street	
19	000	Ryan Avenue, Singleton	Hunter Street	Burns Lane	
19	000	Burns Lane, Singleton	Ryan Avenue	Woolworths Petrol Plus	

ROADS ACT 1993

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

Singleton 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.

G. McTaggart
MANAGER – WORKS for S.C. McGrath GENERAL MANAGER

Singleton Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Singleton Council 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 unless it is amended or repealed earlier.

4. Application

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

5. Routes**B- Doubles routes within the Singleton Council.**

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Maison Dieu Road, Singleton	149 Maison Dieu Rd	Knodlers Lane	Unladen B-Doubles only
25	000	Knodlers Lane, Singleton	Maison Dieu Rd	152 Knodlers Lane	Unladen B-Doubles only

ROADS AND TRAFFIC AUTHORITY

ROAD TRANSPORT (DRIVER LICENSING) ACT 1998

ORDER

I, PAUL JOHN FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of section 21A of the *Road Transport (Driver Licensing) Act 1998*, do, by this my Order, approve the following type of interlock device as an *approved interlock device* as described hereunder:

Type of device

Guardian WR2 Interlock Device

PAUL JOHN FORWARD
Chief Executive
Roads and Traffic Authority

Sydney, 9 September, 2003.

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Figtree,
West Wollongong and Mangerton in the
Wollongong City Council area

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

D J Lorsch,
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

SCHEDULE

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

Lots 5 and 6 Deposited Plan 1027100;
Lots 9 and 10 Deposited Plan 813620; and
Lot 3 Deposited Plan 546160.

(RTA Papers: F6/497.1966)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at
Faulconbridge and Linden in the Blue Mountains City
Council area

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

D J Lorsch,
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Blue
Mountains City Council area, Parishes of Coomassie,
Magdala and Linden and County of Cook, shown as:

Lot 4 Deposited Plan 226075;
Lot 11 Deposited Plan 1005886;
Lot 1 Deposited Plan 1023497;
Lots 4 to 8 inclusive Deposited Plan 1020629; and
Lots 3 and 4 Deposited Plan 849410.

(RTA Papers: 5/44.12090)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road
at Woolgoolga, Moonee, Sapphire North and Kororo
in the Coffs Harbour City Council area

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

D J Lorsch,
Manager, Compulsory Acquisition & Road Dedication,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Coffs
Harbour City Council area, Parishes of Woolgoolga,
Moonee and Coff, County of Fitzroy, shown as:

Lots 1 to 6 inclusive Deposited Plan 238248;
Lots 34 and 35 Deposited Plan 245956;
Lot 5 Deposited Plan 237928;
Lot 7 Deposited Plan 237460; and
Lot 5 Deposited Plan 236580.

(RTA Papers: 10/110.1103)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to
Section 55A and 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Dunville Loop Landcare Group Incorporated
Guyra Weight Training Club Incorporated
Illuminating Engineering Society of Australia & New Zealand (NSW) Incorporated
Illuminating Engineering Society of Australia & New Zealand Incorporated
Kiama Ancestral Research Society Incorporated
Kuringai Willoughby Life Education Incorporated
Milvale Community Advancement Incorporated
Pat Mesiti Ministries Incorporated
Shine Australia Ministries Incorporated
The Independent Monitors Radio Watch Incorporated
The Probus Club of Lismore Incorporated

Dated: 4 September 2003.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Commerce.

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 55A

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Lions Club of Mangrove Mountain West Gosford Incorporated.

Dated: 4 September 2003.

CHRISTINE GOWLAND,
Delegate of the Commissioner,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce.

FAIR TRADING ACT 1987

Prohibition Order — Section 31(1)

I, REBA MEAGHER, Minister for Fair Trading, having considered a report of the Office of Fair Trading, Department of Commerce relating to goods of the kind specified in the Schedule (“the Goods”), pursuant to section 31(1)(b) of the Fair Trading Act 1987, hereby:

1. unconditionally prohibit the supply of the Goods; and

2. declare that this Order shall commence on 12 September 2003.

Dated this 27th day of August 2003.

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

SCHEDULE

Goods which are:

- (a) laser pointers designed to depict or resemble a gun whether or not the depiction or resemblance is realistic or in the nature of a toy or novelty; or
- (b) toy or novelty guns to which a laser pointer is attached or of which it is a component.

Interpretation

In this Order:

“laser” means any device that can be made to produce or amplify electromagnetic radiation in the wavelength range from 100 nanometres to 1 millimetre primarily by the process of controlled stimulation emission;

“laser pointer” means a laser product that is battery-operated and produces a beam of electromagnetic radiation, but does not include any such product that is a therapeutic good (as defined in the Therapeutic Goods Act 1989 of the Commonwealth) listed or registered in the Australian Register of Therapeutic Goods maintained under that Act;

“laser product” means any product or assembly of components that constitutes, incorporates or is intended to incorporate a laser or laser system, and that is not intended for sale to another manufacturer for use as a component (or replacement for a component) of an electronic product; and

“laser system” means a laser in combination with an appropriate laser energy source with or without additional incorporated components.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Create a New Suburb within
Baulkham Hills Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to create the new suburb Beaumont Hills, reducing the extent of Kellyville and increasing the extent of Rouse Hill, as indicated on map GNB3896/B2. The map may be viewed at Baulkham Hills Shire Council Administration Building, 129 Showground Road, Castle Hill and the office of the Geographical Names Board, 346 Panorama Avenue, Bathurst.

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

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Suburb Boundary Amendment in Fairfield City

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day amended the suburb boundary between Fairfield East and Villawood, increasing the extent of Fairfield East, as shown on map GNB3550/A.

Names and boundaries for address localities in Fairfield City are shown on plot GNB3550.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW, 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation and Assignment of Geographical Names

PURSUANT to the provisions of section 14 and section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Field of Mars Park", which was assigned with the designation of Reserve, Folio 3558, 19 November 1976, and in its place assigned the name "Field of Mars Reserve".

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Bethungra Public School" which was assigned with the designation of School, Folio 1599, 28 August 1970.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Jacksons Swamp" which was assigned with the designation of Swamp, Folio 7539, 3 January 1975.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Bexhill Railway Station" which was assigned with the designation of Railway Station, Folio 7210, 30 April 1971.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Meronburn" which was assigned with the designation of Trig Station, Folio 8942, 17 November 1978.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation and Assignment of Geographical Names

PURSUANT to the provisions of section 14 and section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Ballina General Cemetery", which was assigned with the designation of Cemetery, Folio 7693, 21 May 1971, and in its place assigned the name "East Ballina Cemetery".

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation and Assignment of Geographical Names

PURSUANT to the provisions of section 14 and section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Mills Cross South", which was assigned with the designation of Trig Station, Folio 1841, 30 March 1976, and in its place assigned the name "Molonglo Radio Telescope".

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance and Assignment of Geographical Names

PURSUANT to the provisions of section 14 and section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Mootwingee Waterhole", which was assigned with the designation of Waterhole, Folio 4095, 29 August 1980, and in its place assigned the name "Mutawintji Waterhole".

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Nimmitabel Post Office" which was assigned with the designation of Post Office, Folio 5631, 28 April 1972.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Orange Grove Golf Course" which was assigned with the designation of Reserve, Folio 1318, 14 October 1983.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Renee Park" which was assigned with the designation of Reserve, Folio 7031, 27 July 1984.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Surveyors" which was assigned with the designation of Trig Station, Folio 8764, 17 April 1970.

WARWICK WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

ERRATA

IN the notice referring to the assignment of the names Clifton Gardens Jetty, Folio 1810, 3 September 1976; Cove Street Jetty, Folio 3558, 19 November 1976; Eden Wharf, Folio 9031, 24 April 1975; Long Jetty, Folio 1088, 20 June 1975; Man Of War Jetty, Folio 3558, 19 November 1976; Parrys Jetty, Folio 4611, 19 December 1986 and Watkins Jetty, Folio 4611, 19 December 1986, the designation was incorrectly given as Jetty, the correct designation is Wharf, this notice corrects that error.

IN the notice referring to the assignment of the names Bell Wharf, Cargo Wharf, Eastern Wharf, Tennis Wharf and Bennetts Wharf, Folio 5871, 11 March 1977, the designation was incorrectly given as Pier, the correct designation is Wharf, this notice corrects that error.

W. WATKINS,
Chairman.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

HUNTER WATER ACT 1991

Notice of Variation of Customer Contract for Hunter Water Corporation under the Hunter Water Act 1991 and Hunter Water Corporation's Operating Licence

I, the Minister for Energy and Utilities, with the approval of Her Excellency the Governor and the Executive Council, make the new Customer Contract under section 38 of the Hunter Water Act 1991 and Clause 5.1.4 of Hunter Water Corporation's Operating Licence, to apply from 1 September 2003.

FRANK SARTOR, M.P.,
Minister for Energy and Utilities

PESTICIDES ACT 1999

Notice Under Section 48(4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager,
Dangerous Goods,
Environment Protection Authority
(by delegation).

SCHEDULE

Pilot (Pesticide Rating) Licence

Name and address of Licensee	Date of Granting of Licence
Mr Paul James SHARP, 2/11 David Street, Moree, NSW 2400.	4 September 2003.

POISONS AND THERAPEUTIC GOODS ACT 1966Order Under Clause 171(1)
Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Chris WETHERALL of 48 Carlyle Street, Byron Bay, 2481, 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 Friday, 12 September 2003.

ROBERT MCGREGOR,
Acting Director-General.

Department of Health, New South Wales,
Sydney, 9 September 2003.

RURAL FIRES ACT 1997

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

Area of Variation: Clarence Valley Zone incorporating Grafton City Local Government Area; Copmanhurst Local Government Area; Pristine Waters Local Government Area; Maclean Local Government Area.

The Local Bush Fire Danger period has been extended for the period 6 September until 30 September 2003.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director Operations and
Regional Management
(delegate).

RURAL FIRES ACT 1997

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

Area of Variation: Hastings Local Government Area.

The Local Bush Fire Danger period has been extended for the period 13 September until 30 September 2003.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director Operations and
Regional Management
(delegate).

RURAL FIRES ACT 1997

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

Area of Variation: Riverina Zone Incorporating Wagga Wagga Local Government Area; Urana Local Government Area; Junee Local Government Area; Coolamon Local Government Area; Lockhart Local Government Area.

The Local Bush Fire Danger period has been revoked for the period 1 October until 30 October each year.

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

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director Operations and
Regional Management
(delegate).

RURAL FIRES ACT 1997

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

Area of Variation: Eurobodalla Local Government Area.

The Local Bush Fire Danger period has been extended for the period 20 September until 30 September 2003.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director Operations and
Regional Management
(delegate).

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act 1995, has made Preliminary Determinations to support proposals to list the following in the relevant Schedule of the Act.

Endangered Ecological Communities (Part 3 of Schedule 1)

Coolabah - Black Box Woodland of the northern riverine plains in the Darling Riverine Plains and Brigalow Belt South bioregions

Corymbia trachyphloia-*Eucalyptus psammitica* Ecological Community in the NSW North Coast Bioregion

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Scientific Committee
PO Box 1967
Hurstville NSW 2220

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 24 October 2003.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the NPWS web site
www.nationalparks.nsw.gov.au,

By contacting the Scientific Committee Support Unit,
C/- National Parks and Wildlife Service
PO Box 1967 Hurstville 2220.

Tel: (02) 9585 6940 or Fax: (02) 9585 6606,

In person at The National Parks Centre, 102 George Street, The Rocks, Sydney.

Copies of the determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Associate Professor PAUL ADAM,
Chairperson,
Scientific Committee.

TRANSPORT ADMINISTRATION ACT 1988

Order No. 80

Amendments to Passenger Fares and Coaching Rates Handbook taking into account the 2003 CityRail Fare Review

Effective from 31 August 2003

THE State Rail Authority of New South Wales in pursuance of the Transport Administration Act 1988 and section 85 thereof, hereby makes the following Order:

1. This Order shall take effect from 31 August 2003.
2. The handbook issued by the Authority entitled "Passenger Fares and Coaching Rates Handbook - Effective from: 1 July 2002" and adopted and

incorporated by reference on Order No. 79, published in the Government Gazette on 28 July 2002, is to be withdrawn.

3. The new handbook issued by the Authority entitled "Passenger Fares and Coaching Rates Handbook - Effective from 31 August 2003" is to be adopted in Order No. 80 and will replace the abovementioned version.

THE COMMON SEAL of THE STATE RAIL AUTHORITY OF NEW SOUTH WALES was hereunto Affixed in the presence of:

PETER DAVID SCARLETT,
Executive Director,
Finance.
(Witness)

MARGOT CHRISTINE MAASAKKERS,
Corporate Secretary.
(Authorised Officer)

TRANSPORT ADMINISTRATION ACT 1988

Order No. 81

Amendments to CountryLink Business Rules Manual taking into account the 2003 CountryLink Fare Review

Effective from 31 August 2003

THE State Rail Authority of New South Wales in pursuance of the Transport Administration Act 1988 and section 85 thereof, hereby makes the following Order:

1. This Order shall take effect from 31 August 2003.
2. The current handbook issued by the Authority entitled "CountryLink Business Rules Manual", is to be withdrawn.
3. The new handbook issued by the Authority entitled "CountryLink Business Rules Manual - Effective from 31 August 2003" is to be adopted in Order No. 81 and will replace the abovementioned version.

THE COMMON SEAL of THE STATE RAIL AUTHORITY OF NEW SOUTH WALES was hereunto Affixed in the presence of:

PETER DAVID SCARLETT,
Executive Director,
Finance.
(Witness)

MARGOT CHRISTINE MAASAKKERS,
Corporate Secretary.
(Authorised Officer)

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

JUDGES, MAGISTRATES AND RELATED GROUP

8 September 2003

www.remtribunals.nsw.gov.au

JUDGES, MAGISTRATES AND RELATED GROUP

Section 1: Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act), as amended, requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.
2. The Judges Magistrates and Related Group comprises such officers who are listed in the Schedules of the Act and, in addition are defined as judicial officers (within the meaning of the *Judicial Officers Act 1986*) or offices which the Government considers should belong to that Group or are directly involved with the judicial system. The offices have been grouped together by the Tribunal for remuneration purposes only.
3. A principal feature of remuneration for Judges has been the longstanding Agreement between Federal and State Governments on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This was explained in the Tribunal's 2000 Report and is restated here for clarification purposes.

"...At the Premier's Conference on 28 June 1990 the Prime Minister and Premiers discussed the salaries of Commonwealth and State Judges and agreed that the question of "leap-frogging" in judicial salaries should be jointly addressed. Arising from this the Chairman of the Commonwealth Remuneration Tribunal met with the Chairmen of the State and Territory Remuneration Tribunals on 23 August 1990, 7 February and 5 July 1991.

In these meetings consensus was reached on the following matters: that the Remuneration Tribunals should continue to consult on an informal basis before making decisions on judicial salaries; that salary reviews should take place at or about the same time each year; and that there was a need to avoid the appearance of "leap-frogging". Further, that historical and other material suggested that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. This relativity however, was acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remained at an acceptable level, and that the Remuneration Tribunals should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration."

4. Since that time the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85% of the remuneration of a Justice of the High Court.
5. Since the last review the Tribunal has made special determinations on domestic travel and subsistence allowances for Magistrates and determined the remuneration levels for the President and Deputy Presidents of the Workers Compensation Commission. In accordance with the Legislation both determinations were published in the Government Gazette and tabled in Parliament.
6. The Tribunal also received a special reference from the Premier on 27 May 2003 to review the remuneration of the Judges Magistrates and Related Group and followed from the significant determination made by the Commonwealth Remuneration Tribunal (CRT).
7. On 27 November 2002 the CRT made its determination on judicial remuneration following an extensive review over 12 months which examined in a most comprehensive manner all aspects of judicial remuneration. The results of that review were that federal judges were to receive increases totalling 17 per cent over the period 1 July 2002 to 30 June 2004, i.e., 24 months, as follows:

7%	payable on 1 July 2002
5%	payable on 1 July 2003
5%	payable on 1 July 2004
8. The CRT further determined that these increases were over and above any general economic adjustments that it determines as part of its normal annual reviews for the years 2003 and 2004. On 1 July 2003 this adjustment was a further 4 percent.
9. Following the CRT decision the Tribunal undertook an extensive review of its own to determine whether similar increases were warranted. For the reasons contained in its Report of 11 June 2003 the Tribunal determined that the 85 percent nexus should be retained and provided the appropriate increase to achieve this result. This Report and Determination was also published in the Government Gazette and tabled in both

Houses of Parliament. The Report and Determination is also available on the Tribunal's website.

Section 2: 2003 Review

10. The Government has submitted that the Tribunal should have regard to the longstanding nexus when determining the remuneration for this Group.
11. The Tribunal has received applications to review the remuneration of the President and Deputy President of the Workers Compensation Commission. The Tribunal also received submissions from the Chief Judge of the District Court and Acting Chief Judge of the Compensation Court, supporting retention of existing arrangements in respect of Acting Judges. The Tribunal also received submissions from other office holders in this Group supporting the existing nexus and/or internal relativities.
12. The Tribunal met with the Members of the Workers Compensation Commission and the Chief Judge to discuss the issues raised in their submissions.

President and Deputy Presidents, Workers Compensation Commission

13. When the Workers Compensation Commission was established the remuneration for the President and Deputy Presidents were determined by the Minister. Amendments contained in the Compensation Court Repeal Act 2002 transferred statutory responsibility for remuneration setting for these offices to SOORT. This section of the Act came into effect on and from 4 October 2002.
14. The Tribunal recently made a special determination in respect of this Office which essentially retained the Minister's remuneration level but increased the amount in line with general increases determined since October 2001. In respect of the President the Tribunal noted the following:

"8 *...The Minister initially determined a rate that was higher than that recommended by the Tribunal. The Minister had regard to the special qualifications and experience of the newly appointed President who has existing status of a Supreme Court Judge and of the critical role that the President needed to play in establishing the new Commission arising from the Workers Compensation reforms initiated by the Government.*

9. *The Tribunal considers that the rate set by the Minister is appropriate for the present occupant and that the rate should continue while the current President remains in office.*
10. *The Tribunal considers, however, that future appointees should receive remuneration equivalent to a Supreme Court Judge. In this regard it should be noted that the Chief Judge of the Compensation Court (which the Commission effectively replaces) and whose duties and responsibilities were at least equal to those of the President had the status and remuneration of a Supreme Court Judge.”*
15. This is the first opportunity to review the role and responsibilities of the Offices and determine whether the remuneration level is appropriate now that the Commission is has been operating for over 12 months.
16. The Deputy Presidents have sought salary parity with Judges of the District Court. The Tribunal has considered this request but notes that the breadth of matters coming before the District Court is far wider than that of the Workers Compensation Commission. The principal role of the Deputy Presidents is to hear appeals against decisions made by the Arbitrators. Where questions of law arise in proceedings before the Commission these are to be heard by the President of the Commission (who is required to be a Judge of a Court of Record). The legislation provides that the President may delegate this function to the Deputy Presidents but only where he considers it necessary to avoid a conflict of interest or the appearance of bias.
17. After consideration of the role and responsibilities of the Deputy Presidents, the Tribunal has concluded that the remuneration in this determination is fair and reasonable.
18. In respect of the President, the Tribunal will, in keeping with its earlier view, formally determine two rates for the office of President of the Workers Compensation Commission. One rate will apply while the present incumbent holds the Office. The other, lower rate, will apply only to future appointees to this Office.

Acting Judges

19. The Tribunal's Report of 11 July 2003 did not increase the existing rate and stated that a further review would be undertaken of the Acting Judges rates at this time.

20. Acting Judges of the Supreme Court and the District Court are generally commissioned for periods of up to 12 months and receive a daily rate of remuneration for each day that they sit as a Judge.
21. The current rates for Acting Supreme Court and Acting District Court Judges have a direct relationship pro-rata with the full time rates.
22. When Acting Judges were first introduced in 1987 they were commissioned from the ranks of practising barristers. It was recognised at the time that these barristers had chambers to maintain, ongoing expenses associated with their practices and would not be able to obtain new briefs while sitting on the Bench. As a matter of equity it was decided that a loading (or an allowance) would be added to the judges' daily rate, to compensate barristers for their ongoing expenses and income foregone while serving on the Bench. This resulted in Acting Judges daily rates being set higher than the daily equivalent of a full time judge's salary.
23. The present practice is to commission Acting Judges almost exclusively from the ranks of retired State and/or Federal Judges who have neither chambers or practices to maintain. Further, these retired Judges receive pension entitlements that result in an inequity between their remuneration and that of serving full time Judges.
24. The Tribunal recognises that Acting Judges contribute significantly to the smooth working and effectiveness of the Court system and that they have become an essential feature of the system. However, what was determined for valid reasons many years ago simply cannot continue without review when the earlier circumstances no longer exist.
25. In addition, and distinct from the practice two decades ago, Judges are tending to take early retirement being eligible to full pension entitlement after completing ten years service. Thus an anomalous situation has developed that Acting Judges of both the Supreme and District Courts receive significantly greater remuneration than full time Judges.
26. This determination does not impede the continuing employment of Acting Judges. Nor does the determination act to reduce the existing remuneration of Judges currently commissioned. However, when new commissions are issued after 1 October 2003 the rates set out in separate Determination No. 5 shall apply. The Tribunal considers that these rates are just and reasonable and attractive to newly commissioned Acting Judges.

Section 3 Conclusion

27. The Federal Tribunal has recently determined an increase of 4 percent in respect of Federal Judges. This represents the 2003 cost of living increase foreshadowed in its Report of November 2002.
28. To maintain the 85 percent nexus the Tribunal will be determining a similar increase for NSW Judges.
29. The Tribunal determines that the base rate of remuneration for a Supreme Court Judge should be increased on and from 1 October 2003 by 4 percent. The salary of a Judge of the Supreme Court will increase from \$249,000 to \$258,960 per annum.
30. The remuneration of the Heads of Jurisdiction of the Supreme Court, Court of Appeal and Industrial Relations Commission and all other office holders within this Group shall be proportionally increased to maintain existing relationships.
31. Separate determinations have been made for Acting Judges.
32. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2003 shall be as set out in Determinations Nos 1-7.
33. The Tribunal has also made a Report and determination on Travel Allowances for NSW Judges and Magistrates. The Report and Determination are attached at Determination No 8.

The Statutory and Other Offices Remuneration Tribunal

Gerry Gleeson

Dated: 8 September 2003

DETERMINATION No 1

REMUNERATION OF JUDGES – effective from 1 October 2003

	Salary \$ per annum
Chief Justice of the Supreme Court	289,775
President of the Court of Appeal	271,340
President of the Industrial Relations Commission	271,340
President, Workers Compensation Commission (NOTE 1)	271,340
President, Workers Compensation Commission	258,960
Judge of the Supreme Court	258,960
Vice-President of the Industrial Relations Commission	258,960
Deputy President of the Industrial Relations Commission	258,960
Judge of the District Court	233,065
Master or acting Master (under the Supreme Court Act 1970)	233,065

NOTE 1: Rate applicable only while the Hon Justice Terry Sheahan holds the Office.

DETERMINATION No 2**REMUNERATION OF MAGISTRATES – effective from 1 October 2003**

	Salary \$ per annum
Chief Magistrate	233,065
Deputy Chief Magistrate	196,940
Chairperson of Licensing Court	196,940
State Coroner	196,940
Senior Children's Magistrate	196,940
Chief Industrial Magistrate	189,715
Deputy Chairperson, Licensing Court	189,715
Magistrate	186,450
Chairperson Victims Compensation Tribunal (NOTE 2)	186,450
Children's Magistrate	186,450
Licensing Magistrate	186,450
Deputy State Coroner	186,450

NOTE 2: When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

DETERMINATION No 3

REMUNERATION OF RELATED OFFICE HOLDERS – effective from 1 October 2003

	Salary \$ per annum
Chairperson, Law Reform Commission	258,960
Solicitor-General	258,960
Director of Public Prosecutions	258,960
Crown Advocate	233,065
Deputy Director of Public Prosecutions	233,065
Senior Crown Prosecutor	209,760
Senior Public Defender	209,760
Deputy Senior Crown Prosecutor	188,785
Deputy Senior Public Defender	188,785
Deputy Presidents, Workers Compensation Commission	188,785
Crown Prosecutor	172,470
Public Defender	172,470
Senior Commissioner Land and Environment Court	176,095
Commissioner Land and Environment Court	170,915
Commissioner Compensation Court	176,095
Commissioner Industrial Relations Commission	170,915

DETERMINATION No 4**CURRENT ACTING JUDGES – effective from 1 October 2003**Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,230 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,107 per day

DETERMINATION No 5**ACTING JUDGES Commissioned On or After 1 October 2003**Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,000 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$900 per day

DETERMINATION No 6**CONVEYANCE ALLOWANCE**

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$18,000 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$15,000 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$13,000 pa.

The Conveyance Allowance determined here shall not count towards Judges' pension or for superannuation purposes.

DETERMINATION No 7**ANNUAL LEAVE LOADING OF JUDGES, MAGISTRATES AND RELATED GROUP ON – effective from 1 October 2003****Annual Leave Loading**

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the following office holders:

Magistrates Group listed in Determination No 2
Office Holders listed in Determination No 3 of this Determination
Deputy President of the Industrial Relations Commission (not being a judicial member)

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

Report and Determination – Travel Allowances for NSW Judges and Magistrates

REPORT

a) **Background:**

1. Remuneration” is defined in the Statutory and Other Offices Remuneration Act 1975, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the Act.
2. “Allowance” is defined as follows

“allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

 - (a) a Judge or Acting Judge of a court, or*
 - (b) any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.*
3. On 16 June 2003 the Tribunal made its determination on domestic travel allowances for Magistrates. Because of the similarities of conditions and rates with those of Judges, the Tribunal intends to make one determination in respect of both Groups.
4. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

b) **Current Review:**

5. For the current review the Tribunal has had regard to movements in the travel rates as published in the Australian Taxation Office’s Ruling 2003/7 and the rates adopted for the NSW Public Sector generally. The Tribunal also undertook a survey of accommodation rates in regional New South Wales.

c) **Principles Adopted**

6. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - a. Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of

work on official business. Such costs cover accommodation, meals and incidental expenses.

- b. Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
 - c. Office holders are not expected to gain or lose financially as a result of travelling on official business.
 - d. Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.
7. The rates for accommodation across NSW vary considerably from town to town. There will be some country towns where the country daily rate will be of financial advantage to the Judge and there will be some (a much lesser number) where the Judge or Magistrate could be financially disadvantaged. On balance, the Tribunal is persuaded that with the exception of Newcastle and Wollongong a common rate for Judges and a common rate for Magistrates should be applied for the remainder of NSW in the knowledge that across a year a Judge or Magistrate will most likely be neither financially advantaged or disadvantaged.

d) Conclusions

8. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2003/7.
9. Non metropolitan accommodation rates and meal allowance rates have not changed from the Tribunal's previous determination.
10. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination effective on and from 1 October 2003.

**Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

DETERMINATION No 8**TRAVEL ALLOWANCES FOR JUDGES AND MAGISTRATES- effective from 1 October 2003**

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2003.

A Travel necessitating an overnight stay**Capital City Rates**

Adelaide, Canberra, Darwin, Hobart	\$300
Brisbane, Melbourne, Perth, Sydney	\$370
Newcastle and Wollongong	\$293
Other areas	
Judges	\$247
Magistrates	\$196

CONDITIONS

General conditions are to be as determined from time to time by the Attorney General. In addition the following specific conditions will apply.

The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation.

Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.

Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

B Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$20.00
Lunch	\$25.00
Dinner	\$45.00

**Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

PUBLIC OFFICE HOLDER GROUP

8 September 2003

www.remtribunals.nsw.gov.au

PUBLIC OFFICE HOLDERS GROUP

Section 1 Background

1. Section 13 of the Statutory and Other Offices Remuneration Act 1975, (the Act), requires the Statutory and Other Offices Remuneration Tribunal, to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for this Group is determined as a fixed salary amount. Employer on costs such as Superannuation Guarantee Levy are, unlike the Senior Executive Service, additional to the salary amount determined. It is the Government's view that there be no direct nexus with the remuneration of the Judges Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
3. Since the last review the Tribunal has also made a number of special determinations. In accordance with the Act the Reports and Determinations were published in the Government Gazette and tabled in Parliament. These determinations referred to the remuneration of the Registrar, Aboriginal Land Rights Act and the Registrar Workers Compensation Commission.
4. The Tribunal also made a separate determination for those office holders who elected to forego their employer provided motor vehicle by increasing their remuneration to an amount equivalent to the cost of a motor vehicle obtained under State contract. The Tribunal also undertook a similar review to determine whether it should adopt a similar approach for Members of the Aboriginal Land Council (ALC).
5. Members of the ALC are listed in Schedule 2 of the SOOR Act for the purpose of determining remuneration.

6. The Tribunal has examined the employment arrangements of the Members of the ALC and noted the following significant differences when compared with the other statutory office holders.
- The ALC is not a statutory body representing the Crown.
 - The ALC is not a budget sector agency but funded from moneys derived from the functions of the Council.
 - Councillors are elected to the ALC by members of Local ALCs and not appointed to the Council by the Minister. Elections are held approximately every 4 years.
7. As the vehicles are funded from a non budget sector source and are provided to elected representatives rather than Crown appointees, the Tribunal considers that, on balance, the motor vehicle arrangements for the Members of the ALC are more appropriately dealt with by the ALC itself rather than the Tribunal. The Tribunal will, therefore, be making no further determination in respect of this matter.

Section 2 Submissions Received

Government Submission

8. The Government has asked the Tribunal to consider various factors, including the economic outlook and has recommended a 3 percent increase for this Group.

Other Submissions Received.

9. For this review the Tribunal has received submissions from the Ombudsman, Registrar Workers Compensation Commission and the President Mental Health Review Tribunal. The Chairperson of the Transport Appeals Board also made an oral submission to the Tribunal on the role of his Office.

Section 3 2003 Tribunal Review

General

10. For the present review, the Tribunal has considered each of the submissions received and met with those officers who specifically requested meeting the Tribunal. After considering the information presented and after consulting the Assessor, the Tribunal considers those offices holders listed below should receive additional increases.

Ombudsman

11. The Ombudsman has sought an increase to reflect responsibilities, management and budgetary accountabilities of the position, including the additional responsibilities associated with the integration of the Community Services Commission into the Office of the Ombudsman.

12. The Tribunal has considered this matter and notes that significant increases in the scope of the jurisdiction of the Ombudsman have taken place over recent years. These include the additional oversight activities associated with police use of telecommunication devices by the police, child protection functions and in particular the oversight of the activities of government and non government organisation which come into contact with children. The Tribunal is also aware of the integration of the Community Services Commission into the Office. The Tribunal has also been advised that the Government recently decided to broaden the role of the Ombudsman by transferring to him the duties and responsibilities of the Inspector General of Corrective Services.

13. The extent of the increase in the responsibilities of the Ombudsman can be demonstrated by the size of the Office and its budget. In 1990 the Office employed 93 staff and had a budget of \$8 million pa. By 2003 the Office, to properly perform its expanded functions had grown to 200 staff and a budget \$16.2 million

14. On balance the Tribunal considers that the remuneration of the Ombudsman should equate to that of the Commissioner, Police Integrity Commission.

Registrar, Workers Compensation Commission

15. The Workers Compensation Commission (WCC) was established as part of the Government's workers compensation reforms in 2001 to provide a fair and cost effective system for the resolution of disputes under the Workers Compensation legislation. The WCC is intended to provide a timely service to ensure workers' entitlements are paid promptly and that where necessary it provides an independent dispute resolution service that is effective in settling matters between the parties in accordance with the legislation.
16. When the WCC was established the remuneration for the Registrar was determined by the Minister. Amendments contained in the Compensation Court Repeal Act 2002 transferred statutory responsibility for remuneration setting for these offices to SOORT. This section of the Act came into effect on and from 4 October 2002.
17. The Tribunal recently made a special determination in respect of this Office which essentially retained the Minister's remuneration level but increased the amount in line with general increases determined since October 2001.
18. This is the first opportunity to review the role and responsibilities of the Office and determine whether the remuneration level is appropriate now that the Commission is has been operating for over 12 months.
19. Having reviewed the position in greater detail the Tribunal considers that the breadth of responsibilities inherent in the position warrant an increase in remuneration.
20. The position has two main roles. As the CEO of the Commission the Registrar is responsible for the management of the Commission's budget of \$30 million and 80 full time staff, 85 Arbitrators, 34 Mediators and 113 Approved Medical Specialists. In addition the Registrar is responsible for and overall managerial responsibility for Mediators and Approved Medical Specialists.

21. In addition the Registrar has specific statutory functions under the Legislation. In the exercise of their functions, the Arbitrators are under the control and direction of the Registrar and are accountable to the Registrar. The Act also provides that the Registrar decides which Arbitrator is to constitute the Commission in any proceedings. The Registrar also has all the functions and duties of an Arbitrator.
22. In the case of appeals against medical assessments, the Registrar decides how an appeal is to be heard and determining the Arbitrator and Approved Medical Specialists to constitute the Appeal.
23. On the basis of the information before the Tribunal it is considered appropriate that the remuneration of the office be increased to the level shown in the determination.

Chairperson Transport Appeals Board.

24. The Chairperson provided details of the greater number of disciplinary appeals currently being heard by the Board. The Tribunal has considered this matter and is of the view that the role and responsibilities is now more onerous than was previously the case. On this basis the Tribunal considers that the remuneration of the Chairperson should be increased on this occasion but cannot agree with the Chairperson's assertion that remuneration should be equal to that of the Senior Chairperson of the Government and Related Employees Appeal Tribunal.

Section 4 Conclusion

25. In its determination for the SES and CES the Tribunal has set down the reasons for deciding to grant a wage increase of 3 percent to maintain the real value of wages and a 'catch up' of 1.7 percent to maintain relativity between SES and Senior Officers.
26. There is a difference between SES and Public Office Holders in that SES is a total package from which the officer contributes superannuation payments. The rates for SES are also set at ranges with progression available within each range. Also, Public Office Holders are not eligible for extra recruitment and retention allowances.

27. The Tribunal considers that in addition to an increase of 3 percent to maintain the real value of wages a further 'catch up' of 1 percent is justified in all the prevailing circumstances.

28. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2003 shall be as specified in Annexure A.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2003**

Salary	\$ per annum
Commissioner Police Integrity Commission	325,415
Ombudsman	316,605
President, Mental Health Review Tribunal	208,795
Chairperson, Consumer Trader and Tenancy Tribunal	208,795
Deputy Chairperson Consumer Trader and Tenancy Tribunal	193,105
Deputy Chairperson, Law Reform Commission	191,715
President, Guardianship Tribunal	190,460
Deputy President Administrative Decisions Tribunal	183,860
Deputy President Mental Health Review Tribunal	183,355
Registrar Workers Compensation Commission	179,000
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	176,310
Commissioner, Law Reform Commission	172,165
Clerk of the Legislative Assembly	165,150
Deputy President, Guardianship Tribunal	159,940
Senior Member, Consumer Trader and Tenancy Tribunal	157,610
Clerk of the Parliaments	150,675
Chairman, Transport Appeals Board	146,660
Chairman, Local Land Boards	146,660
Registrar, Aboriginal Land Rights Act 1983	141,960
Deputy Clerk, Legislative Assembly	141,770
Chairperson, Government and Related Employees Appeals Tribunal <u>who is legally qualified</u> (not being the holder of a judicial office or a magisterial office)	135,830
Member, Consumer Trader and Tenancy Tribunal	135,830

ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2003**

Salary	\$ per annum
Assessor (Civil Claims)	135,830
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	128,250
Deputy Clerk, Legislative Council	128,250
Chairperson, Aboriginal Housing Authority	105,990
Member of the New South Wales Aboriginal Land Council	75,530 (Note 2)
Assessor Civil Claims (daily rate)	\$551 per day

Note 1 This rate of remuneration is payable only to those Chairpersons who are barristers admitted by, or solicitors of, the Supreme Court of NSW or who hold equivalent qualifications.

Note 2 The Chairperson shall receive an allowance of 5% (ie. a total of \$79,305 per annum) and the Secretary and Treasurer shall receive an allowance of 3% (ie. a total of \$77,795 per annum).

LEAVE LOADING

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

REPORT

And

DETERMINATION

Under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

8 September 2003

www.remtribunals.nsw.gov.au

CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE¹

Section 1: Background

1. Section 24C of the Statutory and Other Offices Remuneration Act 1975 (the Act) provides for the Tribunal to determine annual remuneration packages for the SES to take effect on and from 1 October in that year.
2. The SES was introduced in the NSW public sector in 1989. The key features of the SES are;
 - classified into eight remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - remuneration packages expressed as total cost of employment
 - conditions of employment contained in the contract of employment
 - each officer is required to enter into an individual performance agreement with the Minister (in the case of the CEO) or the CEO (in the case of an SES officer)
 - provision for annual increase in remuneration based on performance assessment.
3. In addition to the SES some officers in the Public Office Holders Group elected, pursuant to section 11A of the Act to receive remuneration packages under similar arrangements applicable to the SES.
4. The Senior Officer (SO) classification was introduced in December 1996. The work value of SO Levels (1-3) mirrors that of SES Levels (1 – 3) with lower rates of remuneration for SOs intended to be a trade off for both tenured employment and superannuation payments to the SOs by the Government.

¹ Unless otherwise stated, the Chief Executive Service and Senior Executive Service shall be referred collectively in this Report and Determination as SES.

Section 2: 2003 Review

Government submission

5. The Government has provided a submission to the Tribunal. It has provided details of key national economic indicators and movements in public sector remuneration for SES and non SES across Australia. These details include the increases for Senior Officers of 4 percent and 5 percent implemented on 1 January and 1 June 2003. No further increases to occur before 1 July 2004.
6. The submission refers also to the ongoing salary compression issue between SOs and the SES. It points out that since their establishment in 1996 SOs have increased by 31.73 percent (as at 1 July 2003) while SES increases over the same period have been 24.45 percent (as at October 2002).
7. The Government has concluded that:

“...The economic, salary and superannuation data outline a strong case for remuneration movements in the minimum and maximum of each SES level in NSW.

The increases provided to non-SES staff under the Memorandum of Understanding present a particular challenge to ensure that the Senior Executive Service continues to attract talented and skilled staff now and into the future.

General economic indicators and remuneration changes across Australia point to changes in the range of 3–4.5%. An environment of fiscal restraint combined with the particular circumstances of salary compression in NSW would appear to support an increase of 3% to maintain a competitive Senior Executive Service in NSW.”

8. In respect of the Recruitment and Retention Allowance, the Government has requested that;

“...The Tribunal consider reviewing the current level of the allowances taking into consideration changes in SES remuneration and market conditions since the last increase in the allowances;”
9. The Government supports the continuation of specifying separately these two allowances.

Treasury Forecasts

10. The Government has provided a detailed analysis from the NSW Treasury on the NSW budget strategy for the next 12 months. As in previous years, this strategy places a strong emphasis on constraining expenditure while supporting spending priorities. NSW Treasury anticipates that the Consumer Price Index (CPI) for Sydney in 2003/2004 will be 2.25 percent, slightly lower than the 2.7 percent for 2002/2003. Wages growth as measured by the Wage Cost Index (WCI) is expected to be 3.75 percent in the next 12 months.
11. In respect of Wages Policy the Government has advised that it would be adopting a common approach in the new round of wage negotiations with public sector unions.

“The Government will adopt the same policy for all new wage agreements, beginning with teachers from January 2004. In each case, the Government will seek to maintain the real value of wages. This implies wage rises of around 3 percent a year.

The Government’s wages policy will maintain the value of the substantial real wage increases provided to public sector employees since 1996, which are in the range of 15-20 percent, or an average of about 17 percent over that period.

The Government will not tie these wage increases to any improvements in productivity or efficiency. Public sector reforms will be pursued outside wage agreements. The Government’s wages policy reflects what the public sector can afford at a time when the budget projects large increases in spending on health, education, community services and other government services, and only modest increases in revenue.”

Section 3: 2003 Tribunal Review

Wage and Salary movements

12. The Tribunal has noted those matters set out in the submission concerning the 2003/2004 budget strategy as provided by the NSW Treasury.
13. The Tribunal has also noted the Government’s wages strategy in the current economic environment. While such negotiations are a matter for the Government and the unions this Tribunal has the responsibility of determining the remuneration of its most senior public servants and ensuring that such remuneration is sufficient to maintain a competitive SES which is the stated objective of the Government.

14. The Tribunal has noted the latest key national economic indicators. These show that the Wage Cost Index for NSW was 3.9% for the year ended 30 June 2003, and 4.2% for the public sector across Australia. The CPI for the same period was 2.7% nationally and 2.4% for Sydney. As noted above Treasury expects the CPI and the WCI to decrease slightly in the next twelve months.
15. The Tribunal notes that Secretaries of Commonwealth Departments have received increases of 4% percent and that Australian Workplace Agreements have delivered increases totalling between 3.5 percent and 4.5 percent. Federal and NSW Members of Parliament have received increases totalling 4 percent. Federal Judges also received a 4 percent economic adjustment increase from 1 July 2003.
16. The Tribunal has examined the increases received by the main public sector groups in NSW since the Tribunal's 2002 determination of 4.3 percent from 1 October 2002. These increases are set out below:

Group	% Increase	Effective date	Next Increase
Teachers	5	January 2003	1/1/04.
Public Servants	9	4% January 03 + 5% July 03	1/7/04.
Nurses	15	10% January 03 + 5% July 03	1/7/04.
Health Workers	9	4% January 03 + 5% July 03	1/7/04.
Senior Officers	9	4% January 03 + 5% July 03	1/7/04.

17. When making the 1 October 2002 determination of 4.3 percent the Tribunal had regard to the MOU between the Government and the Labor Council to grant the above increases. To match the increases (9 percent) awarded to SOs since October 2002, remembering that SO 1-3 and SES 1-3 carry out work of equal value, would require an increase of at least 4.7 percent.
18. The Government submission states that it is committed to maintaining a world class and skilled executive service and that it is anxious to reduce the incidence of SES separations. Following its re-election in March 2003 the Government is driving a further reform agenda which requires an efficient and effective SES to drive and carry through reforms. Hence the task for the Tribunal is to determine remuneration levels that enable high quality persons to be attracted to and retained in SES positions. The rates set must be seen to be just and reasonable in all the prevailing circumstances.

19. The Government concluded that general economic indicators and remuneration changes across Australia point to changes in the range of 3 – 4.5 percent. It further concluded that in an environment of fiscal restraint an increase of 3 percent should maintain a competitive SES in NSW.
20. The NSW Treasury submission states that public sector wage policy aims for stability in real rates of pay in new agreements and that the Government will adopt this policy for all new wage agreements beginning with teachers from January 2004. Further that the adoption of this policy to maintain the real value of wages implies wage rises of around 3 percent a year.
21. The Tribunal accepts that general economic indicators confirm that there should be a wage rise of at least 3 percent. However in the case of the SES it can be validly argued that the significant increases to Senior Officers of 4 percent in January 2003 and a further increase of 5 percent in July 2003 justify consideration of a ‘catch up’ increase to SES to operate from 1 October 2003.
22. In order to maintain the relativity between SES and Senior Officers at 1 October 2002 an increase of 4.7 percent is justified. The Tribunal considers it is proper to maintain at least that relativity and hence in addition to the economic adjustment of 3 percent a further ‘catch up’ increase of 1.7 percent should be determined.

Minimum remuneration levels

23. In 2002 the Tribunal reviewed the remuneration ranges and determined that the existing overlap within each level should be eliminated. This required an upward adjustment to the minimum rates for SES levels 2-7. To ensure there was not windfall gain the Tribunal indicated that special provisions would apply viz:

“Officers whose current remuneration package falls below the minimum for their SES Level will not be adjusted automatically to the new minimum rate. Their remuneration should, subject to satisfactory performance, be increased by 4.3 percent. Where a CEO considers that such an SES officer’s performance merits a higher increase than 4.3 percent, the approval of the Director General of the Premier’s Department will need to be obtained.”

24. The Tribunal has been advised that SES Level 2 and Level 3 officers in one Agency remain outside their respective remuneration Level. This agency is now indicating that when it recruits new officers into these SES Levels it means that the new appointees are remunerated at higher levels than satisfactorily performing incumbents.
25. The purpose of remuneration ranges is twofold. It allows the CEO to appoint an officer to a particular rate along the remuneration range depending on the officer's qualifications and experience. It also provides the CEO with the ability to move the officer along this range annually in recognition of the officer's performance or the general skill and expertise acquired in performing the duties over time. This means that over the term of the contract an officer will generally have moved along the remuneration range.
26. Although the above approach is common throughout the public sector it is not uniformly adopted. Some CEOs have adopted an arrangement whereby the officer is appointed to a particular point along the remuneration range and only receives the SOORT determined general increases without any further progression along the remuneration range.
27. The Tribunal acknowledges that the movement along the remuneration range is a matter for each CEO and not the Tribunal. It is therefore not a matter for the Tribunal to amend its determination to fit a particular policy for a particular agency. This matter can only be resolved by those CEOs and the Director General of the Premiers' Department.
28. The Government submission notes that because some maximum rates were rounded down in the 2002 Determination, some SES officers received less than the 4.3 percent general increase determined by the Tribunal.
29. The Tribunal has reviewed this matter and notes that figures are rounded either up or down. As the amounts either gained or foregone are usually insignificant the Tribunal will be taking no further action.

Recruitment Allowance and Retention Allowance

30. The recruitment allowance assists in being able to attract and recruit to positions persons with special qualifications and experience for which the standard remuneration package may be not adequate. The retention allowance assists in retaining persons during their contract period who may otherwise be attracted to take a position either elsewhere in the public sector or outside the public sector.
31. The Tribunal last reviewed these rates in 1997 and considers that they need to be adjusted to maintain their continued relevance and effectiveness. The Tribunal has retained the Recruitment and Retention Allowances under identical arrangements to those provided in previous determinations.

Section 11A Office Holders

32. Section 11A Office Holders are statutory appointees who exercise independent statutory functions and some of whom also have CEO type responsibilities. These office holders, pursuant to Section 11A of the Act to have access to remuneration packaging identical to the SES. Unlike the SES however, their employment status is governed by legislation specific to each office holder and they are not subject to annual performance appraisal.

Full Time Member of the Independent Pricing and Regulatory Tribunal (IPART)

33. The Tribunal received a submission seeking an increase in the remuneration paid to the Full Time Member of IPART. The increase is sought on the basis of additional responsibilities associated with the move to full retail competition in the NSW electricity and gas market from 1 January 2002, additional responsibilities associated with being assigned "Metrology Coordinator" since 1 January 2002 and the responsibilities for ensuring compliance with the Greenhouse Gas Abatement Scheme.
34. The Tribunal has reviewed the matter and considers that these new responsibilities warrant an increase in the remuneration of the Full Time Member of IPART over and above the general increase determined for this Group.

35. The resignation of the former President of the Anti Discrimination Board has left this position vacant and it, therefore, has been removed from the 11A Office Holder Group. Should the Government require a new determination for this Office when filling the position the Tribunal would be prepared to undertake such a review.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 8 September 2003

ANNEXURE A

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2003.

Determination No 1.

The remuneration package ranges for executive office holders shall be:

<u>CES/SES</u>	<u>Per annum range</u>		
Remuneration Level 8	\$309,901	to	\$358,050
Remuneration Level 7	\$247,101	to	\$309,900
Remuneration Level 6	\$219,851	to	\$247,100
Remuneration Level 5	\$190,551	to	\$219,850
Remuneration Level 4	\$174,851	to	\$190,550
Remuneration Level 3	\$153,901	to	\$174,850
Remuneration Level 2	\$143,451	to	\$153,900
Remuneration Level 1	\$122,500	to	\$143,450

Officers whose current remuneration package falls below the minimum for their SES Level will not be adjusted automatically to the new minimum rate. Their remuneration should, subject to satisfactory performance, be increased by 4.7 percent. Where a CEO considers that such an SES officer's performance merits a higher increase than 4.7 percent, the approval of the Director General of the Premier's Department will need to be obtained.

Determination No 2 - Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Director General of the Premier's Department. The Allowance will apply for new SES offices and contract renewals, where it has been certified that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

Officers in receipt of a Recruitment Allowance are not eligible for payment of a Retention Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$35,000
Levels 5 and 6	up to	\$27,000
Levels 3 and 4	up to	\$19,000
Levels 1 and 2	up to	\$15,000

ANNEXURE A (Cont.)**DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2003****Determination No 3 - Retention Allowance**

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Director General of the Premier's Department and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the contract.

Officers in receipt of a Retention Allowance are not eligible for payment of a Recruitment Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$35,000
Levels 5 and 6	up to	\$27,000
Levels 3 and 4	up to	\$19,000
Levels 1 and 2	up to	\$15,000

Determination No 4.

The Tribunal determines that the remuneration package ranges for offices identified as requiring medical specialist skills shall be:

<u>Specialist Medical Skills</u>	<u>Per Annum range</u>		
Remuneration Level 6	\$226,475	to	\$277,415
Remuneration Level 5	\$225,490	to	\$267,325
Remuneration Level 4	\$221,660	to	\$257,245
Remuneration Level 3	\$211,510	to	\$245,465
Remuneration Level 2	\$198,480	to	\$230,345
Remuneration Level 1	\$183,090	to	\$210,170

Determination No 5.

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

<u>General Medical Skills</u>	<u>Per annum range</u>		
Remuneration Level 2	\$159,375	to	\$184,940
Remuneration Level 1	\$146,475	to	\$168,140

ANNEXURE B**DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2003****Determination No 6.**

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

<u>Public Office Holder</u>	<u>Remuneration</u>
Commissioner, NSW Crime Commission	\$327,605
Auditor General	\$327,605
Full Time Member, Independent Pricing and Regulatory Tribunal	\$247,100
Valuer General	\$241,480
Public Trustee	\$227,460
Electoral Commissioner	\$214,260
Solicitor for Public Prosecutions	\$183,290

**The Statutory and Other Offices
Remuneration Tribunal****Gerry Gleeson**

Dated: 8 September 2003

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>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BYRON SHIRE COUNCIL

ERRATUM

THE notice appearing in *Government Gazette* No. 104, Folio 6787, under the heading Byron Shire Council, Naming of Public Road – Kookaburra Hill Road, was incorrect. Byron Shire Council has resolved NOT to change the name of Buckleys Road so it remains the same. P. WESTING, General Manager, Byron Shire Council, PO Box 219, Mullumbimby, NSW 2482. [0658]

COONABARABRAN SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000, Part 2
Roads Division 2 – Naming of Roads

Naming of Public Road

THE Coonabarabran Shire Council in pursuant of section 162 of the abovementioned Act has named the unnamed lane off Bingie Grumble Road, Coonabarabran, which commences between Lot 412, DP 753378 and Lot 1, DP 865908 and terminates at Lot 1, DP 586743, Saisell Lane. R. J. GERAGHTY, General Manager, Coonabarabran Shire Council, PO Box 191, Coonabarabran, NSW 2357. [0655]

GREATER TAREE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Greater Taree City Council, in pursuance of section 10 of the Roads Act 1993, dedicates the land described in the Schedule as public road. P. PINYON, General Manager, Greater Taree City Council, 2 Pulteney Street, Taree, NSW 2430. (Reference: R2845 and R1295).

Schedule

Lots 50 and 51, DP 884093; Lot 2, DP 1025812. [0661]

GRIFFITH CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Griffith City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for public car park and residential purposes. Dated at Griffith this 12th day of June, 2003. R. LAING, General Manager, Griffith City Council, PO Box 485, Griffith, NSW 2680.

Schedule

Lots 2 and 3, DP 1035387. [0650]

HUME SHIRE COUNCIL

Notice of Intention to Apply Water Rate

NOTICE is hereby given that a water main has been extended along Burma Road within the Parish of Yambla, County of Goulburn, north of Mitchell Road, servicing properties on both sides of the road up to and including Lot 4, DP 226259. Pursuant to Clause 553 of the Local Government Act 1993, twenty-one (21) days after the date of this notice, all properties within 225m of the water main become rateable for water, irrespective of whether they are connected to the water supply or not. PETER VENERIS, General Manager, Hume Shire council, PO Box 70, Albury, NSW 2640. [0654]

HUME SHIRE COUNCIL

Notice of Intention to Apply Sewerage Rate

NOTICE is hereby given that a sewerage main has been extended along Lara Lake Road within the Parish of Jindera, County of Goulburn, north of Lakeview Drive, servicing the newly created Lots 1 and 3, DP 1053658. Pursuant to Clause 552 and 553 of the Local Government Act 1993, 60 days after the date of this notice, all properties within 75 metres of a sewer main become rateable for sewerage irrespective of whether they are connected to the sewerage or not. PETER VENERIS, General Manager, Hume Shire Council, PO Box 70, Albury, NSW 2640. [0663]

NORTH SYDNEY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE North Sydney Council declares, with the approval of Her Excellency the Governor, that the land, described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of open space and low impact public recreation. Dated at North Sydney this 3rd day of September, 2003. PENNY HOLLOWAY, General Manager, PO Box 12, North Sydney, NSW 2059.

Schedule

Lot 12, DP 847444. [0643]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TWEED Shire Council declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of

minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Murwillumbah, 20th May, 2003. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

Schedule

Lots 1-5, DP 1044178. [0660]

WARRINGAH COUNCIL

Local Government Act 1993, Section 47A

Notice of Proposed Licence

Proposed Licence to Operate Market Days at Berry Reserve, Pittwater Road, Narrabeen

The Plan of Management for Berry Reserve and Adjoining Foreshores adopted on 27th June, 2000, authorises the licensing of the operation of market days over part of this Reserve between Narrabeen Lake and Narrabeen Commercial Centre (south of Narrabeen Bridge). Council, as Reserve Manager proposes to licence the operation of market days on the basis of a five year term with market days held on the last Saturday of the month (11 market days per annum) (daytime operation). The selection of an operator will be by public tender. A copy of the draft licence document is available for perusal at Council's Customer Service Centre, Civic Centre, 725 Pittwater Road, Dee Why. Submissions regarding the proposed licence may be made in writing to Council within 28 days from the date of publication of this notice. For enquiries contact Mr Dominic Varde on 9942 2918. WARRINGAH COUNCIL, Civic Centre, Pittwater Road, Dee Why, NSW 2099. [0656]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DOUGLASS GEORGE SEATON, late of St Luke's Aged Care Facility, Lulworth House, 73 Roslyn Gardens, Elizabeth Bay (formerly of 3B/3 Campbell Parade, Bondi Beach), in the State of New South Wales, retired orthopaedic surgeon, who died on 1st June, 2003, must send particulars of the claim to the executor, Kenneth Bately Ramsay to whom probate was granted, c.o. Deacons, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000 (GPO Box 3872, Sydney, NSW 2001), within 30 days from publication of this notice. After that time the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted to the executor on 27th August, 2003. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000 (GPO Box 3872, Sydney, NSW 2001) (DX 368, Sydney), tel.: (02) 9330 8184. (Reference: MAJ:281552 / 2354734). [0649]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JAMES PANKHURST, late of St Marys in the State of New South Wales, who died on 12th July, 2003, must send particulars of their claim to the executor, Audrey Marie Bannantyne, c.o. Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby, NSW 2077, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted on 28th August, 2003. MESSRS BARTON & CO., Solicitors, 128/121-133 Pacific Highway, Hornsby, NSW 2077 (PO Box 344, Hornsby, NSW 1630) (DX 9696, Hornsby), tel.: (02) 9476 1744. (Reference: DFB/RS). [0651]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LESTER CHARLES HUXLEY, late of 99 Platform Street, Lidcombe in the State of New South Wales, retired gentleman, who died on 5th April, 2003, must send particulars of his/her claim to the executrix, Gretta Joyce Huxley, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 3rd September, 2003. MACLARENS, Solicitors, 232 Merrylands Road (PO Box 354), Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0659]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DAPHNE JOYCE FLEMMING, late of Wingham in the State of New South Wales, who died on 24th June, 2003, must send particulars of the claim to the executor, Herbert Frederick Flemming, c.o. McKerns, Lawyers, 43 Isabella Street, Wingham, NSW 2429, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees has notice. Probate was granted in New South Wales on 3rd September, 2003. MCKERNS, Lawyers, 43 Isabella Street (PO Box 34), Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922. [0662]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LUCY MARY TROTTER, late of Eastwood in the State of New South Wales, housewife, who died on 7th October, 2001, must send particulars of their claim to the executors, Pamela Anne Johnson and Peter Glenn Trotter, c.o. CKB Partners, Lawyers and Consultants, Level 11, 167 Macquarie Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 5th July, 2002. CKB PARTNERS, Lawyers and Consultants, Level 11, 167 Macquarie Street, Sydney, NSW 2000 (DX 604, Sydney), tel.: (02) 9232 2622. [0664]

COMPANY NOTICES

NOTICE convening final meeting of members.—JASEMMA INVESTMENTS PTY LIMITED, ACN 001 393 880 (In Liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a final general meeting of members of the abovenamed company will be held at the offices of David B Dickson & Co., 8th Floor, 10 Spring Street, Sydney, on 15th October, 2003, at 10.00 a.m., for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and of hearing any explanation that may be given by the liquidator. Dated this 5th day of September, 2003. DAVID B DICKSON, F.C.A., Liquidator, c.o. David B Dickson & Co., Chartered Accountants, 8th Floor, 10 Spring Street, Sydney, NSW 2000 (GPO Box 3777, Sydney, NSW 2001), tel.: (02) 9221 7566. [0652]

NOTICE of voluntary liquidation.—DIGITAL FOUNTAIN AUSTRALIA PTY LIMITED, ACN 095 801 433 (In Liquidation).—Notice is hereby given that pursuant to section 491 (2) of the Corporations Act 2001, at an extraordinary general meeting of the abovenamed company duly convened and held at Suite 1, Level 2, 1 York Street, Sydney, on 8th September, 2003, the following special resolution was passed: “That the company be wound up as a members’ voluntary liquidation and that the assets of the company be distributed in whole or in part to the members in cash or in specie should the liquidator so desire”. At the abovementioned meeting, Glenn Merchant was appointed liquidator for the purposes of the winding up. Dated this 9th day of September 2003. GLENN MERCHANT, Liquidator, c.o. Mitchell & Partners, Chartered Accountants, Suite 1, Level 2, 1 York Street, Sydney, NSW 2000, tel.: (02) 9251 3838. [0657]

NOTICE convening final meeting of members.—ALAN FARLEY PTY LTD, ACN 000 813 089 (In Liquidation).—Notice is hereby given that pursuant to section 509 (2) of the Corporations Act 2001, the final meeting of the abovenamed company will be held at 1st Floor, Hooke Building, 140 Victoria Street, Taree, NSW, on Wednesday, 25th October, 2003, for the purpose of laying before the meeting the liquidator’s final account and report and giving explanation thereof. Dated this 9th day of September, 2003. B. WALKER, Liquidator, c.o. Walker Lynch Petersen, Chartered Accountants, 140 Victoria Street, Taree, NSW 2430, tel.: (02) 6552 3533. [0653]

