



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 187

Friday, 26 November 2004

Published under authority by Government Advertising and Information

LEGISLATION

Proclamations



New South Wales

Proclamation

under the

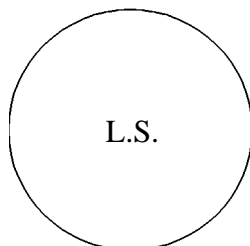
Civil Liability Amendment Act 2003 No 94

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Civil Liability Amendment Act 2003*, do, by this my Proclamation, appoint 1 December 2004 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 24th day of November 2004.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of the *Civil Liability Amendment Act 2003* that amend Part 4 (Proportionate liability) of the *Civil Liability Act 2002*.



New South Wales

Proclamation

under the

Civil Liability Amendment (Personal Responsibility) Act 2002 No 92

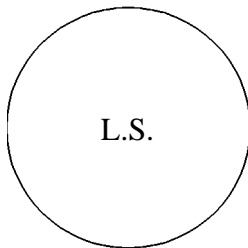
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Civil Liability Amendment (Personal Responsibility) Act 2002*, do, by this my Proclamation, appoint 1 December 2004 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [5] to the extent that it inserts Part 4 in the *Civil Liability Act 2002*,
- (b) Schedule 4.2.

Signed and sealed at Sydney, this 24th day of November 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of the *Civil Liability Amendment (Personal Responsibility) Act 2002* that amend the *Civil Liability Act 2002* and the *Environmental Planning and Assessment Act 1979* with respect to proportionate liability.



New South Wales

Proclamation

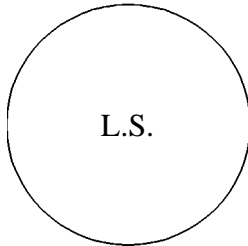
under the

Crimes (Interstate Transfer of Community Based Sentences) Act
2004 No 72

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*, do, by this my Proclamation, appoint 29 November 2004 as the day on which that Act commences. Signed and sealed at Sydney, this 24th day of November 2004.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



Proclamation

under the

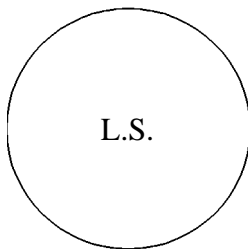
Fisheries Management and Environmental Assessment Legislation Amendment Act 2000 No 86

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Fisheries Management and Environmental Assessment Legislation Amendment Act 2000*, do, by this my Proclamation, appoint 1 December 2004 as the day on which Schedule 6.2 [12] and [13] to that Act commence.

Signed and sealed at Sydney, this 24th day of November 2004.

By Her Excellency's Command,



IAN MICHAEL MACDONALD, M.L.C.,
Minister for Primary Industries

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Fisheries Management and Environmental Assessment Legislation Amendment Act 2000*. Those provisions prohibit any person from bringing into New South Wales live fish of certain species, except under the authority of a permit issued by the Minister.

Regulations



New South Wales

Civil Liability Amendment (Proportionate Liability) Regulation 2004

under the

Civil Liability Act 2002

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to bring the application of the *Civil Liability Act 2002* (**the Act**) into line with Commonwealth legislation in respect of proportionate liability.

Part 4 (Proportionate liability) is inserted into the Act by the *Civil Liability Amendment (Personal Responsibility) Act 2002* (**the amending Act**) and Schedule 1 to the Act provides that the amendments made by the amending Act apply to civil liability arising before the commencement of the amendments, but not to or in respect of proceedings commenced in a court before that commencement.

Schedule 3 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* of the Commonwealth (**the Commonwealth Act**) contains the Commonwealth's provisions in relation to proportionate liability. However, those provisions apply only to causes of action that arise on or after 26 July 2004 (the day on which that Schedule commenced).

The amendments made by this Regulation provide that any civil liability to which Part 4 of the Act would have applied but for the proposed clause is excluded from the operation of that Part, and from clauses 6 and 13 of Schedule 1 to the Act in their application to that Part, if the liability arose before 26 July 2004 (the day on which Schedule 3 to the Commonwealth Act commenced).

This Regulation is made under the *Civil Liability Act 2002*, including sections 3B and 4 (2) (the general regulation-making power).

Clause 1 Civil Liability Amendment (Proportionate Liability) Regulation 2004

Civil Liability Amendment (Proportionate Liability) Regulation 2004

under the

Civil Liability Act 2002

1 Name of Regulation

This Regulation is the *Civil Liability Amendment (Proportionate Liability) Regulation 2004*.

2 Commencement

This Regulation commences on 1 December 2004.

3 Amendment of Civil Liability Regulation 2003

The *Civil Liability Regulation 2003* is amended as set out in Schedule 1.

Civil Liability Amendment (Proportionate Liability) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 1A

Insert after clause 1:

1A Definition

In this Regulation:

the Act means the *Civil Liability Act 2002*.

[2] Clause 2 Non-government schools

Omit “the *Civil Liability Act 2002*”. Insert instead “the Act”.

[3] Clause 3

Insert after clause 2:

3 Proportionate liability

Any civil liability to which Part 4 of the Act would have applied but for this clause is excluded from the operation of that Part, and from the operation of clauses 6 and 13 of Schedule 1 to the Act in their application to that Part, if the liability arose before 26 July 2004.



New South Wales

Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004

under the

Crimes (Interstate Transfer of Community Based Sentences) Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*.

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

Explanatory note

The *Crimes (Interstate Transfer of Community Based Sentences) Act 2004* has been enacted to allow community based sentences imposed in participating jurisdictions to be transferred, by registration, between participating jurisdictions.

The objects of this Regulation are:

- (a) to prescribe the Australian Capital Territory as a participating jurisdiction for the purposes of that Act, and
- (b) to set out the required details that are to be entered in the local register for the registration of an interstate community based sentence in New South Wales.

This Regulation is made under the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*, including sections 8 (3), 22 (3) and 31 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 ACT is a participating jurisdiction	3
5 Registration of interstate sentences—required details	3
Schedule 1 Registration of interstate sentences—required details in local register	4

Crimes (Interstate Transfer of Community Based Sentences) Regulation
2004

Clause 1

Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004

under the

Crimes (Interstate Transfer of Community Based Sentences) Act 2004

1 Name of Regulation

This Regulation is the *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004*.

2 Commencement

This Regulation commences on 29 November 2004.

3 Definition

In this Regulation:

the Act means the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*.

4 ACT is a participating jurisdiction

The Australian Capital Territory is declared to be a participating jurisdiction for the purposes of the Act.

5 Registration of interstate sentences—required details

Schedule 1 sets out the required details that are to be entered in the local register for the registration of an interstate sentence.

Crimes (Interstate Transfer of Community Based Sentences) Regulation
2004

Schedule 1 Registration of interstate sentences—required details in local register

Schedule 1 Registration of interstate sentences— required details in local register

(Clause 5)

1 Offender details

The following details regarding the offender:

- (a) names (given and surname),
- (b) aliases (if any),
- (c) date of birth.

2 Sentence details

The following details regarding the offender's sentence:

- (a) name or kind of interstate sentence,
- (b) name or kind of corresponding sentence in New South Wales,
- (c) length of sentence,
- (d) start date,
- (e) date when offender first reported for interstate sentence in participating jurisdiction,
- (f) end date,
- (g) remaining period of sentence to be served in New South Wales,
- (h) sentence history including appeals and registrations in other participating jurisdictions.



New South Wales

Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004

under the

Fisheries Management Act 1994

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

IAN MICHAEL MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

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

- (a) make it clear that Wonboyn Beach is closed to all commercial net fishing, rather than commercial fishing generally,
- (b) impose a minimum size requirement in relation to Balmain bugs (so as to replace a fishing closure that imposes the minimum size requirement),
- (c) revise the requirements relating to the lawful use of a hauling net (general purpose), garfish net (bullringing), garfish net (hauling), pilchard, anchovy and bait net (hauling), purse seine net, meshing net, flathead net, hoop or lift net, push or scissor net, fish trap, crab trap and yabby trap,
- (d) make further provision with respect to the rights of priority between commercial fishers working on an ocean beach area,
- (e) introduce new requirements relating to the labelling, packaging and receipt of abalone for sale,
- (f) introduce new offences relating to the possession of fish that have been shucked or mutilated,
- (g) impose additional licence conditions relating to the taking of sea urchin and turban shell, co-operation with persons exercising functions under the Act, and the replacement of engines of boats used for prawn trawling,

Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004

Explanatory note

-
- (h) impose additional conditions on the use of traps and nets in the estuary general restricted fishery,
 - (i) allow a non-transferable charter fishing boat licence to be cancelled or suspended where the ownership of the boat concerned has changed,
 - (j) increase the fee for the issue of certain permits,
 - (k) revise the list of noxious fish and marine vegetation,
 - (l) exempt certain fish from the prohibition on importing live fish,
 - (m) make further provision for the qualifications that are required in order to be elected to a Management Advisory Committee,
 - (n) prescribe various offences as penalty notice offences for the purposes of the Act and prescribe the penalty to be paid if an offence is dealt with by issue of a penalty notice,
 - (o) change the period for aquaculture contributions and payment of rent on aquaculture leases from a calendar year to a financial year,
 - (p) declare various diseases for the purposes of the various offences in the Act that aim to prevent the spread of diseases in fish and marine vegetation,
 - (q) make various other miscellaneous changes.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 23, 24 and 289 (the general regulation-making power) and the sections referred to in this Regulation.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Clause 1

Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004*.

2 Commencement

- (1) This Regulation commences on 1 December 2004, except as otherwise provided by this clause.
- (2) Schedule 1 [22]–[29] commence on 1 February 2005.

3 Amendment of Fisheries Management (General) Regulation 2002

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

4 Amendment of Fisheries Management (Aquaculture) Regulation 2002

The *Fisheries Management (Aquaculture) Regulation 2002* is amended as set out in Schedule 2.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

public holiday means a day that is observed as a public holiday throughout New South Wales.

[2] Clause 8A Prohibition on certain classes of commercial fishing

Omit “All commercial fishing, except hand gathering.” from the matter relating to Wonboyn Beach in the column headed “Class of commercial fishing prohibited” in the Table to clause 8A.

Insert instead “All methods of net fishing.”

[3] Clause 9 Prohibited size fish

Insert after clause 9 (2) (b):

(b1) in the case of Balmain bug—the width of the carapace is to be measured at its widest point from spike to spike (whether or not damaged),

[4] Clause 9, Table 1

Insert after the matter relating to Abalone in Part 2:

Balmain bug	<i>Ibacus peronii</i> or <i>ibacus chacei</i>	10
-------------	---	----

[5] Part 2, Division 3 Bag limits

Omit the Note from Part 3 of the Table to the Division (following clause 15).

Insert instead:

Note. The taking of silver perch from all waters (other than backed up waters of dams and impoundments) is prohibited by a fishing closure notice under section 8 of the Act (published in the Gazette of 24 January 2003 at page 461) which has effect from 5 February 2003 to 4 February 2008, inclusive.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[6] Clause 19 Fishing gear cannot be used in contravention of other restrictions

Insert after clause 19 (2) (f):

- (g) the taking of fish in contravention of a condition of a commercial fishing licence or an endorsement on a commercial fishing licence.

[7] Clause 26 Hauling net (general purpose)

Omit clause 26 (1) (f). Insert instead:

- (f) the length of each hauling line attached to the net does not exceed:
 - (i) 190 metres in length in the waters of that part of the entrance to Wallaga Lake, together with all its inlets and tributaries, extending seawards from the bridge and embankment on the Narooma–Bermagui Road to the Pacific Ocean, or
 - (ii) 725 metres in length in the waters of that part of Wallaga Lake extending upwards from the bridge and embankment on the Narooma–Bermagui Road, the Broadwater of the Clarence River, Lake Innes, Smiths Lake, Myall Lake, Booloombayt Lake, the Broadwater of Myall Lakes and Lake Illawarra, or
 - (iii) 1000 metres in length in the waters of Tuggerah Lakes and Wallis Lake (excluding Wollomba, Wallingat, Cooloongolok and Wang Wauk Rivers).

[8] Clause 26 (1) (ia)

Insert after clause 26 (1) (i):

- (ia) in the waters of Jervis Bay and in ocean waters:
 - (i) at least 80% of the catch resulting from each haul comprises all or any of the *target fish* (being Australian salmon, big eye tuna, blue mackerel, bonito, dart, mulloway, diamond fish, frigate mackerel, luderick, mackerel tuna, longtail tuna, yellowfin tuna, sand whiting, sea mullet (or any other species of mullet included in the family Mugilidae), silver trevally, spanish mackerel, sweep, tarwhine and yellowfin bream), and
 - (ii) any fish in the catch that are not target fish are other fish that may lawfully be taken by commercial fishers from the waters concerned,

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

[9] Clause 26, Table

Insert “; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net” after “mm” in item 7 (b) (i) and (ii) wherever lastly occurring.

[10] Clause 26, Table

Insert after item 7:

- 7A (a) *Waters*—Jervis Bay.
- (b) *Description of net*
- (i) from 1 March to 31 July in each year—Total length not exceeding 400 metres; length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm nor more than 65 mm; mesh of wings not less than 65 mm nor more than 86 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.
- (ii) during any other period—Total length not exceeding 375 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 50 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 50 mm; mesh of wings not less than 80 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.

[11] Clause 28 Garfish net (bullringing)

Insert “ocean waters,” after “except” in item 3 (a) of the Table to the clause.

[12] Clause 29 Garfish net (hauling)

Insert after clause 29 (1) (c):

- (d) in the waters of Jervis Bay specified in the Table to this clause and in ocean waters:
- (i) at least 80% of the catch resulting from each haul comprises sea garfish, and
- (ii) any fish in the catch that are not sea garfish are other fish that may lawfully be taken by commercial fishers from the waters concerned, and

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

- (iii) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed, and
- (iv) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved, and
- (v) the net is operated by at least 2 commercial fishers.

[13] Clause 29, Table

Omit “; that part of Jervis Bay within New South Wales, together with all the bays and beaches of that part, generally westerly from a line drawn between Point Perpendicular and Bowen Island” from item 1 (a).

[14] Clause 29, Table

Omit “Mesh” from item 2 (b).

Insert instead “Total length not exceeding 300 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh”.

[15] Clause 29, Table

Insert after item 2:

- 3 (a) *Waters*—Jervis Bay.
- (b) *Description of net*—Total length not exceeding 300 metres; no rings or other devices attached to net (including on lead line) that facilitate pursing the net; mesh of not less than 28 mm not more than 36 mm.

[16] Clause 30 Pilchard, anchovy and bait net (hauling)

Insert after clause 30 (1) (b):

- (c) in ocean waters:
 - (i) at least 80% of the catch resulting from each haul comprises all or any of the *target fish* (being anchovy, blue mackerel, pilchard, sandy sprat (whitebait and glassfish) and yellowtail), and
 - (ii) any fish in the catch that are not target fish are other fish that may lawfully be taken by commercial fishers from the waters concerned, and

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

- (iii) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed, and
- (iv) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved, and
- (v) the net is operated by at least 2 commercial fishers.

[17] Clause 30, Table

Omit "Mesh" from item 1 (b).

Insert instead "Total length (excluding hauling lines) not exceeding 300 metres; total length of hauling lines not exceeding 500 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh".

[18] Clause 31 Purse seine net

Omit "in that Table." from clause 31 (1). Insert instead:

in that Table and the following conditions are complied with:

- (a) the net is cast or shot from, and retrieved to, a boat,
- (b) at least 80% of the catch resulting from each haul comprises all or any of the *target fish* (being anchovy, Australian salmon, blue mackerel, bonito, jack mackerel, pilchard, sandy sprat (whitebait and glassfish), silver trevally, sweep and yellowtail),
- (c) any fish in the catch that are not target fish are other fish that may lawfully be taken by commercial fishers from the waters concerned,
- (d) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed, and is conducted from a single boat.

[19] Clause 31, Table

Insert "; rings and purse rope or other devices that facilitate pursing attached to lead line; mesh throughout not more than 150 mm" after "275 metres" in item 1 (b).

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[20] Clause 31, Table

Omit “Mesh” from item 2 (b).

Insert instead “Total length not exceeding 1,000 metres; rings and purse rope or other devices that facilitate pursing attached to lead line; mesh”.

[21] Clauses 38 (3) (b) (and item 2 (a) of the Table to the clause), 41 (item 1 (a) of the Table to the clause), 153 (1) (e) and 217 (1) (e)

Omit “Lake Woollooweyah” wherever occurring.

Insert instead “Lake Wooloweyah”.

[22] Clause 41 Meshing net

Omit clause 41 (1) and (2) (but not the Table to the clause). Insert instead:

- (1) It is lawful to use a meshing net for taking fish in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the conditions set out in subclauses (2)–(7) are complied with.
- (2) The net must be used:
 - (a) by the method of splashing (that is, shooting the net, immediately splashing and retrieving it as a continuous operation) at any time, or
 - (b) as a set net, but only:
 - (i) from 1 February to 30 November in any year, and
 - (ii) between sunset and sunrise, and
 - (iii) for no more than 3 hours at a time.
- (3) The 3 hour time limit referred to in subclause (2) (b) (iii) (the **3-hour limit**) does not apply:
 - (a) from 1 June to 31 August in any year in the waters of primary fishing regions 1, 2 and 3, and
 - (b) from 1 June to 30 September in any year in the waters of primary fishing regions 4, 5, 6 and 7.
- (4) If used as a set net, the net must not be set until on or after sunset and it must be retrieved, or be in the process of being retrieved, by the relevant deadline. If more than one net has been set by a fisher, all nets must have been retrieved by the relevant deadline. Alternatively, all nets, but one, must have been retrieved by the relevant deadline and the last one must be in the process of being retrieved.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

-
- (5) For the purpose of subclause (4), the *relevant deadline* is sunrise or, if the 3-hour limit applies, the end of the 3-hour limit (whichever occurs first).
- (6) Both ends of a set net must be marked on the surface of the water by a white buoy displaying, in clearly visible figures and letters that are not less than 50 mm in height, the letters “FL” followed by the commercial fishing licence number of the fisher who set the net, followed by the letter “M”. The buoy is to have a diameter above the water of not less than 300mm and a weight (of not less than 50 grams) attached to the rope connecting the buoy and the net. The weight is to be suspended not less than 1.5 metres under the buoy.
- (7) If the net is used as a set net by a person in excess of 3 hours and in combination with, or in the same waters as, a flathead net being used by the person, the combined total length of the nets must not exceed 1450 metres.
- (8) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a meshing net.
- (9) In this clause, a reference to a *primary fishing region* is a reference to a primary fishing region described in the Table to clause 209A.

[23] Clause 41, Table

Omit “80 mm” in items 1 (b), 2 (b), 3 (b) and 4 (b) wherever occurring.

Insert instead “95 mm when the net is used as a set net in excess of 3 hours and 80 mm in any other case”.

[24] Clause 43 Flathead net

Insert “and blue swimmer crab” after “taking flathead” in clause 43 (1).

[25] Clause 43 (1) (c)

Omit clause 43 (1) (c). Insert instead:

- (c) the net is not used, set or left in any other waters:
- (i) from 1 November to 31 March in any year, or
 - (ii) between sunrise and sunset during any other period,

[26] Clause 43 (1) (e) (ii)

Omit “0.5 metre”. Insert instead “0.8 metre”.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[27] Clause 43 (1) (f)–(h)

Insert after clause 43 (1) (e):

- (f) if the net is set after sunset:
 - (i) it must be retrieved, or be in the process of being retrieved, by sunrise, and
 - (ii) if more than one net has been set by a fisher, all nets must have been retrieved by sunrise or all nets, but one, must have been retrieved by sunrise and the last one must be in the process of being retrieved,
- (g) if the net is used, set or left after sunset by a person in combination with, or in the same waters as, a meshing net being used by the person, the combined total length of the nets must not exceed 1450 metres,
- (h) both ends of a set net must be marked on the surface of the water by a white buoy displaying, in clearly visible figures and letters that are not less than 50 mm in height, the letters “FL” followed by the commercial fishing licence number of the fisher who set the net, followed by the letter “F”. The buoy is to have a diameter above the water of not less than 300mm and a weight (of not less than 50 grams) attached to the rope connecting the buoy and the net. The weight is to be suspended not less than 1.5 metres under the buoy.

[28] Clause 43, Table

Omit item 1 (b). Insert instead:

- (b) *Description of net*—Total length not exceeding 725 metres; depth of net not exceeding 16 meshes; mesh throughout not less than 80 mm.

[29] Clause 43, Table

Omit item 2 (b). Insert instead:

- (b) *Description of net*—Total length not exceeding 375 metres; depth of net not exceeding 16 meshes; mesh throughout not less than 80 mm.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

[30] Clause 48 Hoop or lift net

Omit clause 48 (1) (b) and (c). Insert instead:

- (b) the net is not set or left in the water in the period between sunset and sunrise,
- (c) if the net is used or set by a commercial fisher, the net is identified by the fisher's commercial fishing licence number, in the manner required by clause 69,
- (d) not more than 5 nets are used by any person (other than a commercial fisher) at any one time,
- (e) if the fisher is a commercial fisher who holds an endorsement authorising the fisher to take fish for sale in the estuary general restricted fishery, the commercial fisher does not set or use the net in contravention of any conditions of that endorsement.

Note. See clauses 214A–214C for restrictions on the use of hoop nets by commercial fishers in the estuary general restricted fishery.

[31] Clause 59 Fish trap

Omit clause 59 (1) (c).

[32] Clause 59 (1) (e)

Insert after clause 59 (1) (d):

- (e) if the commercial fisher holds an endorsement authorising the fisher to take fish for sale in the estuary general restricted fishery, the commercial fisher does not set or use the trap in contravention of any conditions of that endorsement.

Note. See clauses 214A and 214C for restrictions on the use of fish traps by commercial fishers in the estuary general restricted fishery.

[33] Clause 59, Table

Omit "(other than inland waters or ocean waters)" from item 1 (a).

Insert instead "(other than inland waters or waters referred to elsewhere in this Table)".

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[34] Clause 59, Table

Insert after item 2:

- 3 (a) *Waters*—That part of Wallis Lake included within the following boundaries: commencing at a post marked “FD” situated at the high water mark of Pipers Bay (located by a line bearing 186 degrees from an electricity pole numbered 14808 situated at the eastern end of Pipers Bay Drive Forster) then bounded by a line bearing 217 degrees to a second post marked “FD” situated at the high water mark on the southern side of Big Island, then to a third post marked “FD” situated at the high water mark of Wallis Island, bearing 245 degrees from the second post, then southerly, westerly and northerly along the high water mark of Wallis Island to a jetty located on the western side of Wallis Island, then westerly along the length of the jetty to its end, then to a fourth post marked “FD”, situated at the high water mark on the foreshore of Coomba Park, bearing 246 degrees and 30 minutes from the end of the jetty, then generally southerly, easterly and northerly by the high water mark of Wallis Lake to the point of commencement.
- (b) *Description of trap*—Not exceeding 2 metres in length, 1.5 metres in width and 1 metre in depth; consisting of mesh (having a measurement from one plain wire to the opposite plain wire of not less than 50 mm); having an entrance funnel or funnels other than in the top; having at least 1 panel in a side or the top of not less than 30 cm long by 30 cm wide consisting of galvanised wire.
- 4 (a) *Waters*—That part of Port Stephens Broadwater commencing at Nelson Head then along the high water mark to Mud Point then by a line drawn south west intersecting the northern extremity of Bull Island to the high water mark at Lemon Tree Passage then along the high water mark to Tanilba Point then by a line drawn in a north-westerly direction to Cockleshell Point then along the high water mark to Carcair Point then by a line drawn to the easternmost point of Wirrung Island then to Tahlee Point then along the high water mark to Baromee Point then by a line drawn in an easterly direction to Fame Point then by a line drawn in an easterly direction to Oringall Point then in an easterly direction to the southernmost point of Corrie Island then in an easterly direction to Barnes Rocks then by a line drawn in a south-easterly direction to the point of commencement.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

- (b) *Description of trap*—Not exceeding 2 metres in length, 1.5 metres in width and 1 metre in depth; consisting of mesh (having a measurement from one plain wire to the opposite plain wire of not less than 50 mm); having an entrance funnel or funnels other than in the top; having at least 1 panel in a side or the top of not less than 30 cm long by 30 cm wide consisting of galvanised wire.

[35] Clause 61 Crab trap

Omit “displays “LFB” followed by the licence number of the boat used to set the trap” from clause 61 (1) (a) (iv).

Insert instead “displays “FL” followed by the commercial fishing licence number of the commercial fisher who set the trap”.

[36] Clause 61 (1)

Omit clause 61 (1) (c) and (d).

[37] Clause 61 (1) (g)

Insert after clause 61 (1) (f):

- (g) if the fisher is a commercial fisher who holds an endorsement authorising the fisher to take fish for sale in the estuary general restricted fishery, the commercial fisher does not set or use the trap in contravention of any conditions of that endorsement.

Note. See clauses 214B and 214C for restrictions on the use of crab traps by commercial fishers in the estuary general restricted fishery.

[38] Clause 63 Yabby trap

Insert “and does not leave any trap set for more than 24 hours in any period of 48 consecutive hours” after “at any one time” in clause 63 (1) (b).

[39] Clause 63, Table

Omit item 1 (a) and (b). Insert instead:

- 1 (a) *Waters*—Inland waters, other than:
- (i) waters east of the Newell Highway,
 - (ii) the Murray River from the Newell Highway at Tocumwal downstream to the Echuca road bridge,

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

- (iii) the Edward River from the Murray River at Picnic Point downstream to Stevens Weir,
- (iv) the Murrumbidgee River from Narrandera to the Darlington Point road bridge.
- (b) *Description of trap*—Not exceeding 1 metre in length, 0.6 metre in width and 0.3 metre in depth; constructed of netting or mesh (not being rigid mesh, such as metal or hard plastic) not less than 13 mm; has entrance funnel or funnels containing a rigid ring with a maximum internal diameter of 90 mm permanently affixed at some point along the funnel or funnels.

[40] Clauses 84 (1) and 85 (1)

Insert “or ocean beach area (whether or not a recognised fishing ground)” after “recognised fishing ground” in clause 84 (1) where firstly occurring and in clause 85 (1).

[41] Clause 84 (1) (a) and (d)

Insert “or ocean beach area” after “recognised fishing ground” wherever occurring.

[42] Clause 84 (1) (e)

Insert “or ocean beach area” after “fishing ground”.

[43] Clause 116 Measuring length and mesh size of nets

Insert “, push or scissor net” after “hand-held prawn net” in item 1 (a) of the Table to the clause.

[44] Part 5, Division 4B

Insert after clause 116A:

Division 4B Labelling of abalone for sale

116B Abalone not to be sold unless labelled

A person must not sell abalone unless the immediate packaging of the abalone is marked or labelled in accordance with clause 289 (3).

Maximum penalty: 100 penalty units.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

116C Abalone packaging not to be removed or damaged

- (1) A person must not remove, deface, damage or destroy any immediate packaging of abalone (or label attached to the packaging) that contains the details required by clause 289 (3).
Maximum penalty: 20 penalty units.
- (2) Subclause (1) does not prevent a person from removing packaging or a label from abalone at a place where the abalone is to be cooked or eaten, immediately before it is cooked or eaten.

[45] Clause 129 Shucking of intertidal invertebrates

Insert “, or have such a shucked intertidal invertebrate in his or her possession,” after “turban snail” in clause 129 (1).

[46] Clause 129 (2)

Insert “, or have shucked rock lobster or turban snail in his or her possession,” after “turban snail”.

[47] Clause 130 Shucking of abalone

Insert “, or have shucked abalone in his or her possession,” after “shuck abalone” in clause 130 (1).

[48] Clause 130 (2)

Insert “, or have shucked abalone in his or her possession,” after “abalone”.

[49] Clause 130 (3)

Insert after clause 130 (2) (before the maximum penalty):

- (3) A person in possession of shucked abalone does not commit an offence against this clause as a result of that possession if the person establishes that the abalone were shucked at a place or premises referred to in subclause (1).

[50] Clause 131 Mutilation of fish

Insert after clause 131 (2):

- (2A) A person must not have in his or her possession in or on or adjacent to any waters any fish of a class specified in clause 9 (Prohibited size fish) that has been mutilated in any manner other than by gutting or by removing the gills or scales.
Maximum penalty: 50 penalty units.
- (2B) A person (other than a commercial fisher) does not commit an offence under subclause (2A) if the person establishes that the fish was mutilated in accordance with subclause (2).

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[51] Clause 146 Prescribed conditions of commercial fishing licences

Insert at the end of clause 146 (1) (c) (v):

or

- (vi) to take sea urchin or turban shell in the sea urchin and turban shell restricted fishery in accordance with paragraph (f),

[52] Clause 146 (1) (f) and (g)

Insert after clause 146 (1) (e):

- (f) the holder of the licence, being a licence that is endorsed under the Act for the taking of sea urchin or turban shell (or both) in the sea urchin and turban shell restricted fishery, must not use any unlicensed crew member on a boat being used by the licence holder for the taking of sea urchin or turban shell from the fishery unless the crew member is assisting the licence holder in the operation of the boat or other fishing equipment and is not taking sea urchin or turban shell from the fishery on the licence holder's behalf,
- (g) the holder of the licence must co-operate with, and provide any assistance reasonably required by, a fisheries officer or other person exercising functions conferred by the Act or the regulations.

[53] Clause 153 Prescribed conditions of fishing boat licences

Insert at the end of clause 153 (1) (d) (v):

or

- (vi) to take sea urchin or turban shell in the sea urchin and turban shell restricted fishery in accordance with clause 146 (1) (f),

[54] Clause 153 (1) (e1)

Insert after clause 153 (1) (e):

- (e1) in the case of a licence that authorises the use of the boat for prawn trawling in Port Jackson:
 - (a) the boat is not used with an engine other than the engine that was in use when the licence was issued (the *original engine*), unless the engine to be used (the *replacement engine*) replaces the original engine and complies with the following conditions:

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

- (i) if the original engine had a power rating of 60 kW or less—the replacement engine must not have a power rating greater than 60 kW,
- (ii) if the original engine had a power rating greater than 60 kW—the replacement engine must not have a power rating more than 10% greater than the original engine, and
- (b) the engine of the boat is not replaced without the written consent of the Director-General.

[55] Clause 153 (2)

Omit “subclause (1) (e)”. Insert instead “subclause (1) (e) and (e1)”.

[56] Clause 209 Types of endorsement in restricted fishery

Insert after clause 209 (1) (d):

Note. This endorsement extends to the taking of blue swimmer crabs from estuarine waters using the trap or net referred to above.

[57] Clause 209 (1) (f)

Insert “and a hoop or lift net” after “crab trap”.

[58] Clauses 214A–214C

Insert after clause 214:

214A Use of traps and nets by trapping endorsement holders

- (1) This clause applies if a person holds a trapping endorsement, but not a mud crab trapping endorsement.
- (2) It is a condition of a trapping endorsement that the fisher taking fish under the endorsement does not set or use a fish trap or hoop net (or both) in any waters in contravention of this clause.
- (3) A fisher must not set or use in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) at any one time:
 - (a) a total of more than 20 fish traps, or
 - (b) a total of more than 10 hoop nets.
- (4) A fisher must not set or use in any other waters at any one time:
 - (a) a total of more than 10 fish traps, or
 - (b) a total of more than 10 hoop nets.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

-
- (5) Without affecting subclauses (3) and (4), if fish traps or hoop nets (or both) are set or used by a fisher in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) and in other waters, the fisher must not set or use at any one time:
- (a) a total of more than 20 fish traps, or
 - (b) a total of more than 10 hoop nets.

214B Use of traps and nets by mud crab trapping endorsement holders

- (1) This clause applies if a person holds a mud crab trapping endorsement, but not a trapping endorsement.
- (2) It is a condition of a mud crab trapping endorsement that the fisher taking fish under the endorsement does not set or use a crab trap or hoop net (or both) in any waters in contravention of this clause.
- (3) A fisher must not set or use in any waters at any one time:
 - (a) a total of more than 10 crab traps, or
 - (b) a total of more than 10 hoop nets.
- (4) In addition, a fisher must not set or use in any waters at any one time a combined total of crab traps and hoop nets that exceeds 10. Accordingly, for every one crab trap the fisher sets or uses, the maximum number of hoop nets he or she is permitted to use at the same time is reduced by one.

Note. Accordingly, a fisher who uses 1 crab trap is permitted to use only 9 hoop nets, a fisher who uses 2 crab traps is permitted to use only 8 hoop nets, a fisher who uses 3 crab traps is permitted to use only 7 hoop nets, and so on.

214C Use of traps and nets by dual endorsement holders

- (1) This clause applies if a person holds both a trapping endorsement and a mud crab trapping endorsement.
- (2) It is a condition of a trapping endorsement and a mud crab trapping endorsement that the fisher taking fish under the endorsements does not set or use a fish trap, hoop net or crab trap (or any combination of those traps and nets) in any waters in contravention of this clause.
- (3) A fisher must not set or use in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) at any one time:
 - (a) a total of more than 20 fish traps, or
 - (b) a total of more than 20 hoop nets, or

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

- (c) a total of more than 10 crab traps.
- (4) A fisher must not set or use in any other waters at any one time:
 - (a) a total of more than 10 fish traps, or
 - (b) a total of more than 20 hoop nets, or
 - (c) a total of more than 10 crab traps.
- (5) Without affecting subclauses (3) and (4), if fish traps, hoop nets or crab traps (or any combination of those traps or nets) are set or used by a fisher in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) and in other waters, the fisher must not set or use at any one time:
 - (a) a total of more than 20 fish traps, or
 - (b) a total of more than 20 hoop nets, or
 - (c) a total of more than 10 crab traps.
- (6) In addition, a fisher must not set or use in any waters, at any one time, a combined total of crab traps and hoop nets that exceeds 20. Accordingly, for every one crab trap the fisher sets or uses, the maximum number of hoop nets he or she is permitted to use at the same time is reduced by one.

Note. Accordingly, a fisher who uses 1 crab trap is permitted to use only 19 hoop nets, a fisher who uses 2 crab traps is permitted to use only 18 hoop nets, a fisher who uses 3 crab traps is permitted to use only 17 hoop nets, and so on. A fisher who uses the maximum number of crab traps he or she is permitted to use (that is, 10 crab traps) is permitted to use only 10 hoop nets.

[59] Clause 256A Prohibition on commercial fishing in ocean hauling fishery in certain waters

Omit "Armonas Bay" wherever occurring in the matter relating to Region 7 in the Table to the clause.

Insert instead "Armonds Bay".

[60] Clause 289

Omit the clause. Insert instead:

289 Fish consignments by registered fish receivers to be labelled

- (1) For the purposes of section 118 (5) (a) of the Act, the registration of a fish receiver is subject to the conditions set out in subclause (2) and, if relevant, subclause (3).
- (2) A registered fish receiver must not receive fish in a container or consign fish in a container for sale unless the container is labelled in a manner approved by the Director.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

-
- (3) A registered fish receiver who, in that capacity, receives abalone must, before consigning the abalone, mark the outside of the immediate packaging of the abalone with the following details (or affix a label containing those details to that packaging):
- (a) the name and address of the commercial fisher from whom the abalone was received,
 - (b) the registered fish receiver's registration number, or the number issued to the fish receiver by the Australian Quarantine and Inspection Service,
 - (c) the net weight in kilograms, and the number, of the abalone,
 - (d) the date that the abalone were packaged by or on behalf of the registered fish receiver.

[61] Clause 304 Limitation on eligibility

Omit clause 304 (2).

[62] Clause 309 Cancellation or suspension of licence

Omit clause 309 (h).

[63] Clause 309 (2)

Insert at the end of clause 309:

- (2) In addition, in the case of a non-transferable licence, the Minister may cancel or suspend the licence if:
- (a) the licence is held by, or the boat is owned by, one or more natural persons and:
 - (i) one or more of those persons has become bankrupt, or
 - (ii) a person has acquired or disposed of a beneficial interest in the boat, or
 - (b) the licence is held or otherwise under the control of a corporation, or the boat is owned by a corporation, and:
 - (i) a person has acquired or disposed of a controlling interest in the corporation, or
 - (ii) the corporation has become the subject of a winding up order or a controller or administrator has been appointed for the corporation.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

[64] Clause 309A

Insert after clause 309:

309A Voluntary suspension of licence

- (1) The Minister may, from time to time, on the application of a licence holder, suspend the licence by placing the licence in abeyance for such period, not exceeding two years, as the Minister may specify.
- (2) Such an application may be granted in any case where the Minister is satisfied that there is sufficient reason for the suspension (for example, because the boat has been disposed of or lost at sea or because the licence holder has temporarily ceased trading).
- (3) The Minister may, on written application by the licence holder, extend a period of suspension under this clause if satisfied that there is sufficient reason for the extension.
- (4) The total period for which a licence is suspended under this clause must not exceed 3 years.
- (5) The annual licence fee payable in respect of a licence continues to be payable in respect of any year or part of a year for which a licence is suspended under this clause.
- (6) The Minister may cancel a licence suspended under this clause if:
 - (a) any fee payable in connection with the licence is not paid by the end of the suspension period or such further period as the Minister may allow, or
 - (b) the holder of the licence fails (without lawful excuse) to comply with any request for information in connection with the suspension that is made by the Minister by notice in writing to the holder.
- (7) A notice referred to in subclause (6) (b) must specify a period (of not less than 14 days) in which the request for information must be complied with.
- (8) Nothing in this clause limits the powers of the Minister under clause 309.
- (9) The Minister is to refuse an application for suspension under this clause (not being an application for an extension of a suspension) if the licence has previously been suspended on the application of the holder and the period of suspension ended less than 3 years before the application is made.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

-
- (10) Subclause (9) does not apply if the Minister is satisfied that, in the circumstances of the case, the suspension should be granted because the boat to which the licence applies has been lost at sea or damaged beyond repair.

[65] Clause 339

Omit the clause. Insert instead:

339 Fees for permits under Part 7 of the Act

- (1) An application for a permit under Part 7 of the Act is to be accompanied by a fee of \$200, except as otherwise provided by this clause.
- (2) The fee for an application for a permit under Part 7 of the Act that authorises a person to harm any marine vegetation to which section 205 of the Act applies is:
 - (a) if the Director-General is of the opinion that an inspection of the relevant area is required before the application can be determined—\$111, or
 - (b) if the Director-General is not of that opinion—\$56.
- (3) The Minister may waive all or part of a fee payable under this clause in such cases as the Minister considers appropriate.

[66] Clause 340 Noxious fish and noxious marine vegetation (section 209 of the Act)

Omit clause 340 (1). Insert instead:

- (1) For the purpose of section 209 (1) (a) of the Act, the following fish are declared to be noxious fish:
 - (a) **Class 1**
 - (i) tilapia (*Oreochromis mossambicus*, *Tilapia zillii*, *Tilapia mariae*),
 - (ii) black striped mussel (all species of the genus *Mytilopsis*),
 - (iii) plague minnow (*Gambusia holbrooki*), but only in waters other than the waters specified in paragraph (c) (ii).
 - (b) **Class 2**
 - (i) banded grunter (*Amniataba percoides*),
 - (ii) Pacific oysters (*Crassostrea gigas*), but only in estuarine and ocean waters (other than Port Stephens),

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

(iii) speckled mosquito fish (*Phalloceros caudimaculatus*).

(c) **Class 3**

- (i) carp (*Cyprinus carpio*),
(ii) plague minnow (*Gambusia holbrooki*), but only in waters in the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, City of Sydney, Fairfield, Gosford, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Warringah, Waverley, Willoughby, Wollongong, Woollahra and Wyong.

[67] **Clause 340 (3)**

Omit "Class 1". Insert instead "Class 3".

[68] **Clause 340 (4)**

Omit "Section 213". Insert instead "Sections 211 and 213".

[69] **Clause 340AA**

Insert after clause 340:

340AA Importation of certain live fish (section 217 of the Act)

- (1) The following classes of fish are exempt from the operation of section 217 of the Act:
- (a) fish traded in the aquarium industry,
(b) fish imported for human consumption.
- (2) This clause does not apply to the following fish:
- (a) fish declared as noxious fish under section 209 (1) (a) of the Act,
(b) fish listed in the Table to this clause.

Table

Common name	Species/Family
Piranha	<i>Serrasalmus</i> spp., <i>Pygocentrus</i> spp.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

Common name	Species/Family
Airbreathing/ walking catfish	All species in the Family Clariidae
Grass carp	<i>Ctenopharyngodon idella</i>
Roach	<i>Rutilus rutilus</i>
Tench	<i>Tinca tinca</i>
Electric eels	All species in the Family Gymnotidae
Snakeheads	<i>Channa</i> spp., <i>Parachanna</i> spp.
Bluegills	<i>Lepomis</i> spp.
Largemouth bass	<i>Micropterus</i> spp.
African tigerfish	<i>Hydrocynus</i> spp.
South American tigerfish or trahira	<i>Erythrinus</i> , <i>Hoplerythrinus</i> and <i>Hoplias</i> spp.
Parasitic (or candiru or pencil) catfish	All species in the Family Trichomycteridae
Nile perch (live)	<i>Lates niloticus</i>
Pike cichlid	<i>Crenicichla</i> spp.
Tiger catfish	<i>Pseudoplatystoma fasciatum</i>
Electric catfish	All species in the Family Malapteruridae
African lung fish	<i>Protopterus annectens</i>
Channel catfish	<i>Ictalurus punctatus</i>
Freshwater stingrays	<i>Himantura</i> spp.
Pikes	All species in the Family Esocidae
Freshwater Garfish	All species in the Family Lepisosteidae
Sticklebacks	All species in the Family Gasterosteidae
Bichirs	All species in the Family Polypteridae
Schilbe catfish	<i>Schilbe</i> spp.
Redfin perch	<i>Perca fluviatilis</i>
Barcoo Grunter	<i>Scortum barcoo</i>
Welchs Grunter	<i>Bidyanus welchi</i>
Sooty Grunter	<i>Hephaestus fuliginosus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

Common name	Species/Family
Any hybrid between species in the Family Terapontidae including Barcoo Grunter, Welchs Grunter, Silver Perch, Banded Grunter, Sooty Grunter or Spangled Perch.	
Atlantic salmon	<i>Salmo salar</i>
Brook trout	<i>Salvelinus fontinalis</i>
Brown trout	<i>Salmo trutta</i>
Rainbow trout	<i>Oncorhynchus mykiss</i>
Barramundi	<i>Lates calcarifer</i>
Marron	<i>Cherax tenuimanus</i>
Redclaw	<i>Cherax quadricarinatus</i>
Abalone	<i>Haliotis</i> spp.

[70] Clause 371 General restrictions on election to a MAC

Insert after clause 371 (2):

- (3) A person is not qualified to stand as a candidate in an election for a period of 5 years after the person:
- (a) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
 - (b) is convicted of an offence under the Act, this Regulation or any other regulation made under the Act or an offence relating to theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
 - (c) is dealt with under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in respect of an offence referred to in paragraph (b).

Note. Under section 10 of the *Crimes (Sentencing Procedure) Act 1999* a Court may find a person guilty of an offence without proceeding to a conviction (having regard to such matters as the character, antecedents, age, health and mental condition of the offender, the trivial nature of the offence and the extenuating circumstances in which the offence was committed).

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (General) Regulation 2002

Schedule 1

[71] Clauses 422 and 423

Insert after clause 421:

422 Change in ownership of charter fishing boat licence

- (1) Clause 309 (2), as inserted by the *Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004*, does not authorise the suspension or cancellation of a licence on account of any act or omission that occurred before 1 December 2004.
- (2) Clause 309 (h), as in force immediately before 1 December 2004, continues to apply in respect of any change in ownership or shareholding of a non-transferable licence that occurred before 1 December 2004.

423 Voluntary suspension of charter fishing boat licence—clause 309A

- (1) If a licence was suspended by the Minister under clause 309 (g), before the commencement of this clause, on the application of the licence holder and that suspension had effect immediately before the commencement of clause 309A, as inserted by the *Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2004*, the licence is taken, on that commencement, to have been suspended under clause 309A and that clause applies in respect of the suspension.
- (2) However, clause 309A does not require an annual licence fee to be paid in respect of any period during which a licence was suspended before the commencement of this clause and any such period is to not to be counted for purpose of clause 309A (4) and (9).

[72] Schedule 4 Waters in which spearfishing is prohibited

Insert “, together with the waters of the South Pacific Ocean for a distance of 50 metres from the northern breakwall of the River” after “South Pacific Ocean” in the matter relating to “Evans River”.

[73] Schedule 5 Penalty notice offences

Omit “Clause 409”. Insert instead “Clause 413”.

[74] Schedule 5, Part 1

Omit “\$5,500” from column 2 of the matter relating to sections 200 (1), 201 (1), 204B (2), 219 (1) (a), 219 (1) (b) and 219 (1) (c).

Insert instead “\$1,000”.

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

[75] Schedule 5, Part 1

Omit "\$300" from column 2 of the matter relating to section 205 (2).

Insert instead "\$500".

[76] Schedule 5, Part 1

Insert in columns 1 and 2 in numerical order of section:

Section 220I (4)	\$100
Section 220ZA in relation to the offence of harming fish or marine vegetation of an endangered species, population or ecological community	\$2,500
Section 220ZA in relation to the offence of harming fish or marine vegetation of a vulnerable species	\$1,000
Section 220ZB (1) in relation to the offence of buying, selling or having in possession fish or marine vegetation of an endangered species	\$2,500
Section 220ZB (1) in relation to the offence of buying, selling or having in possession fish or marine vegetation of a vulnerable species	\$1,000
Section 220ZD	\$2,500
Section 221D (3)	\$500
Section 221IJ	\$2,500
Section 221O (5)	\$5,000

[77] Schedule 5, Part 1

Omit "\$500" from column 2 of the matter relating to section 220ZC (1).

Insert instead "\$5,500".

[78] Schedule 5, Part 2

Insert in columns 1 and 2 in numerical order of clause:

Clause 116B	\$200
Clause 116C	\$100
Clause 131 (2A)	\$100

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Amendment of Fisheries Management (Aquaculture) Regulation 2002

Schedule 2

Schedule 2 Amendment of Fisheries Management (Aquaculture) Regulation 2002

(Clause 4)

[1] Clause 23 Contributions to be made by certain class A permit holders

Omit clause 23 (1) and the note before that subclause. Insert instead:

- (1) A class A permit holder to whom this Division applies must pay to the Minister, to secure the due performance of the permit holder's payment obligations under the Act, an annual contribution of \$40 for each hectare, or part of a hectare, of the aquaculture farm or farms to which the permit relates, in respect of each period of 12 months beginning on 1 July in any year.

[2] Clause 23 (3)

Omit the subclause. Insert instead:

- (3) A contribution required by this clause must be paid, at the permit holder's option, either:
 - (a) on or before 31 July in the period of 12 months for which it is payable, or
 - (b) by instalments.

[3] Clause 40 Minimum rent for leased area

Insert after the note following clause 40 (2):

- (3) For the purpose of this Division, a *year* is a period of 12 months beginning on 1 July in any year.

[4] Clause 41 How rent for an aquaculture lease is to be calculated

Omit "31 December" from the definition of *DR* in clause 41 (2).

Insert instead "30 June".

[5] Clause 41 (3), definition of "DR"

Omit "beginning on 1 January in the year concerned".

Insert instead "beginning on the previous 1 July".

[6] Clause 42 When rent payable

Omit clause 42 (2). Insert instead:

- (2) After the first payment, the rent under an aquaculture lease must be paid in advance, either (at the lessee's option):

Fisheries Management Legislation Amendment (Miscellaneous)
Regulation 2004

Schedule 2 Amendment of Fisheries Management (Aquaculture) Regulation 2002

- (a) on or before 31 July in each year, or
- (b) by instalments.

[7] Clause 60 Diseases declared for purposes of Division 4 of Part 6 of the Act

Insert after clause 60 (2) (a) (x):

- (xi) European catfish virus,
- (xii) European sheatfish virus,
- (xiii) *Oncorhynchus masou* virus disease,
- (xiv) spring viraemia of carp,
- (xv) channel catfish virus disease,
- (xvi) infectious salmon anaemia,
- (xvii) piscirickettsiosis (*Piscirickettsia salmonis*),
- (xviii) gyrodactylosis (*Gyrodactylus salaris*),
- (xix) red sea bream iridoviral disease,
- (xx) koi mass mortality,

[8] Clause 60 (2) (b) (vii)

Insert after clause 60 (2) (b) (vi):

- (vii) akoya oyster disease,

[9] Clause 60 (2) (c) (vii)–(xi)

Omit clause 60 (2) (c) (vii). Insert instead:

- (vii) white spot disease,
- (viii) gill-associated virus,
- (ix) taura syndrome,
- (x) spawner-isolated mortality virus disease,
- (xi) necrotising hepatopancreatitis.



Gas Supply (Gas Appliances) Regulation 2004

under the

Gas Supply Act 1996

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

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

Explanatory note

The object of this Regulation is to regulate the safety of gas appliances by providing for a system of certification of such appliances and for prohibition of the sale and supply of unsafe gas appliances and types of gas appliances.

The Regulation also makes a consequential amendment to the *Gas Supply (Safety Management) Regulation 2002*.

This Regulation is made under the *Gas Supply Act 1996*, including section 83 (the general regulation-making power) and section 83A (Regulations as to gas appliances and gas meters).

Gas Supply (Gas Appliances) Regulation 2004

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Regulation not to apply to certain gas appliances	4
Part 2 Certification and labelling of gas appliances	
5 Restrictions on sale and supply of gas appliances	5
6 Certification of gas appliances	5
7 Authority to certify gas appliances or types of gas appliances	5
8 Conditions of certification authority	6
9 Duration of certification authority	7
10 Cancellation of certification authority	7
11 Show cause notice	7
12 Offences relating to compliance labels	8
Part 3 Unsafe gas appliances	
13 Powers of investigators	9
14 Nature of orders under this Part	9
15 When an order may be made under this Part	10
16 Manner of making orders	10
17 Failure to comply with order	10
Part 4 Miscellaneous	
18 Gas Appliances Certification Register	11
19 Change of particulars	11
20 Amendment of Gas Supply (Safety Management) Regulation 2002	11

Gas Supply (Gas Appliances) Regulation 2004

Clause 1

Preliminary

Part 1

Gas Supply (Gas Appliances) Regulation 2004

under the

Gas Supply Act 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gas Supply (Gas Appliances) Regulation 2004*.

2 Commencement

- (1) This Regulation commences on 1 December 2004, except as provided by subclause (2).
- (2) Clauses 5 (1) and 20 commence on 1 March 2005.

3 Definitions

- (1) In this Regulation:

certification authority means an authority to certify a gas appliance or type of gas appliance granted under clause 7.

certification number means the number issued by the holder of a certification authority to identify a gas appliance or type of appliance that has been certified by the holder or a person authorised to certify it on behalf of the holder.

certified gas appliance means a gas appliance or type of gas appliance in respect of which a certification by the holder of a certification authority is in force.

compliance label, in relation to a gas appliance or type of gas appliance, means a label attached to the gas appliance or type of gas appliance containing the particulars specified in clause 5 (2).

Director-General means:

- (a) the Commissioner for Fair Trading, Department of Commerce, or

Clause 4	Gas Supply (Gas Appliances) Regulation 2004
Part 1	Preliminary

(b) if there is no such position in the Department—the Director-General of the Department.

investigator means a person appointed under section 18 of the *Fair Trading Act 1987* as an investigator for the purposes of this Regulation.

Register means the Gas Appliances Certification Register kept by the Director-General in accordance with clause 18.

registered mark for the holder of a certification authority means the mark registered in relation to the holder under clause 18 (2) (c).

the Act means the *Gas Supply Act 1996*.

- (2) In this Regulation, a reference to a type of gas appliance is a reference to each gas appliance of the same design constructed to identical specifications.
- (3) For the purposes of this Regulation, a gas appliance or type of gas appliance is certified by a person or organisation that is a certification authority if it is certified by a person authorised by the person or organisation to certify on the person's or organisation's behalf.

4 Regulation not to apply to certain gas appliances

This Regulation does not apply to or in respect of a gas appliance or type of gas appliance that is connected to a gas installation to which the *Dangerous Goods (Gas Installations) Regulation 1998* applies.

Gas Supply (Gas Appliances) Regulation 2004

Clause 5

Certification and labelling of gas appliances

Part 2

Part 2 Certification and labelling of gas appliances

5 Restrictions on sale and supply of gas appliances

- (1) A person must not sell or supply a gas appliance or type of gas appliance unless:
- (a) the gas appliance or type of gas appliance is a certified gas appliance, and
 - (b) a compliance label in relation to the appliance that is in a form approved by the Director-General and inscribed with the particulars referred to in subclause (2) is attached to the appliance in a manner approved by the Director-General.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

- (2) A compliance label relating to a gas appliance or type of gas appliance must be inscribed with the following particulars:
- (a) the registered mark of the holder of the certification authority that certified the appliance or type of appliance,
 - (b) the certification number for the appliance or type of appliance,
 - (c) the type of gas that is to be used by the appliance.

6 Certification of gas appliances

A person must not certify a gas appliance or type of gas appliance unless the person:

- (a) is the holder of a certification authority, or
- (b) is a person authorised by the holder of a certification authority to certify gas appliances on the holder's behalf.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

7 Authority to certify gas appliances or types of gas appliances

- (1) An application for a certification authority may be made by any person or person on behalf of an organisation.
- (2) The application is to be made in writing in the form approved by the Director-General.
- (3) The application must be accompanied by:
 - (a) the fee determined by the Director-General, and

Clause 8 Gas Supply (Gas Appliances) Regulation 2004

Part 2 Certification and labelling of gas appliances

- (b) a description of the mark to be used to identify the holder of the certification authority.
- (4) The Director-General may, by order in writing, authorise the person or organisation to certify individual gas appliances or types of gas appliances (a *certification authority*).
- (5) The Director-General may determine an application for a certification authority by granting or refusing the application.

8 Conditions of certification authority

- (1) A certification authority is subject to the following conditions:
 - (a) the holder of the authority (or any person authorised by the holder to certify gas appliances on the holder's behalf) must not certify a gas appliance or type of gas appliance knowing that it is unsafe to use,
 - (b) the holder of the authority (or a person authorised by the holder to certify a gas appliance or type of gas appliance on the holder's behalf) must attach to each gas appliance or type of gas appliance that he or she certifies a compliance label in relation to the appliance.
- (2) A certification authority is subject to such other conditions as the Director-General considers appropriate and as are specified in the authority or imposed by order in writing given to the holder of the authority.
- (3) The Director-General may by order in writing given to the holder of a certification authority:
 - (a) impose further conditions on the grant of the authority, or
 - (b) vary or revoke any of the conditions (other than a condition referred to in subclause (1)) to which the approval is subject.
- (4) The Director-General must not impose a further condition, or vary a condition, unless the Director-General:
 - (a) has given the holder of the certification authority written notice of the intention to impose or vary the condition, and
 - (b) has given the holder the opportunity to make oral or written submissions within a period of at least 21 days after the notice is given that is specified in the notice concerning the imposition or variation of the condition, and
 - (c) has taken into account any submissions made by the holder.

Gas Supply (Gas Appliances) Regulation 2004	Clause 9
Certification and labelling of gas appliances	Part 2

- (5) The holder of a certification authority must comply with the conditions (if any) imposed on the authority by this clause and the Director-General.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

9 Duration of certification authority

A certification authority takes effect on the day on which it is granted or on a later day specified in the authority and remains in force (unless it is sooner suspended or cancelled) for the period specified in the authority.

10 Cancellation of certification authority

The Director-General may cancel a certification authority, at any time and for any reason, by notice in writing served on the holder of the authority.

11 Show cause notice

- (1) The Director-General may suspend a certification authority and serve a show cause notice on the holder of the authority if the Director-General is of the opinion that there are grounds for cancelling the authority.
- (2) A show cause notice is a notice requiring the holder of the certification authority to show cause why the authority should not be cancelled on the grounds specified in the notice.
- (3) Without limiting the grounds that may be specified, grounds include that the holder of the authority has failed to comply with a condition of the authority.
- (4) A show cause notice is to be in writing and is to specify a period of not less than 21 days after service of the notice as the period:
 - (a) during which the authority is suspended, and
 - (b) within which the holder must show cause as required by the notice.
- (5) The holder on whom a show cause notice is served may, within the period allowed by the notice, make written submissions to the Director-General in respect of the matters to which the notice relates.

Clause 12	Gas Supply (Gas Appliances) Regulation 2004
Part 2	Certification and labelling of gas appliances

12 Offences relating to compliance labels

A person must not:

- (a) attach a compliance label to a gas appliance or type of gas appliance that is not a certified gas appliance, or
- (b) attach a compliance label to a gas appliance or type of gas appliance that is not a compliance label in relation to that gas appliance or type of gas appliance, or
- (c) remove a compliance label that has been attached to a gas appliance or type of gas appliance in accordance with this Regulation unless the person is authorised by the Director-General to do so, or
- (d) falsify the particulars inscribed on a compliance label or attach a compliance label that is inscribed with false particulars to a gas appliance or type of gas appliance, or
- (e) attach a compliance label to a gas appliance or type of gas appliance that is not in the form approved by the Director-General.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case) penalty units.

Gas Supply (Gas Appliances) Regulation 2004

Clause 13

Unsafe gas appliances

Part 3

Part 3 Unsafe gas appliances

13 Powers of investigators

- (1) An investigator may:
 - (a) by attaching a label to a gas appliance or type of gas appliance that the investigator considers is unsafe to use, prohibit the sale or supply of the appliance, or
 - (b) by notice in writing served on a person, prohibit the sale or supply of any gas appliance or type of gas appliance specified in the notice.
- (2) An investigator may give a notice under subclause (1) (b) only if the investigator has reasonable grounds to believe:
 - (a) that the gas appliance or type of gas appliance is unsafe to use, and
 - (b) the death of, or injury to, any person or damage to any property may arise out of use of the appliance or type of appliance unless the notice is given.
- (3) A notice served on a person under this clause may be varied or revoked by the investigator by serving a notice in writing on the person concerned.

14 Nature of orders under this Part

- (1) By an order under this Part, the Director-General may do any one or more of the following:
 - (a) prohibit the sale or supply of a gas appliance or type of gas appliance specified in the order,
 - (b) give directions, in respect of a gas appliance or type of gas appliance specified in the order:
 - (i) for the recall of the appliance or type of appliance, or
 - (ii) for action to be taken to render the appliance or type of appliance safe to use.
- (2) An order under this Part may be varied or revoked by the Director-General in the same way as the order was made.

Clause 15	Gas Supply (Gas Appliances) Regulation 2004
Part 3	Unsafe gas appliances

15 When an order may be made under this Part

The Director-General may make an order under this Part only if the Director-General has reasonable grounds to believe:

- (a) that a gas appliance or type of gas appliance is unsafe to use, and
- (b) the death of, or injury to, any person or damage to any property may arise out of use of the appliance or type of appliance unless the order is made.

16 Manner of making orders

- (1) An order under this Part:
 - (a) may be made in writing addressed to the person intended to be bound by it, or
 - (b) may be addressed to several persons, or to all persons, and published in the Gazette, or in such other publication or publications as the Director-General considers appropriate, or both.
- (2) In either case, the order, when it takes effect, is binding on the person or persons to whom it is addressed.
- (3) An order that is served on a person takes effect on the day it is served or a later day specified in the order.
- (4) An order that is published in the Gazette or another publication takes effect on the day it is first published or on a later day specified in the order.

17 Failure to comply with order

A person is guilty of an offence if the person, without reasonable excuse:

- (a) sells or supplies a gas appliance or type of gas appliance in contravention of any prohibition imposed under this Part, or
- (b) contravenes or neglects or refuses to comply with a direction given under this Part.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

Gas Supply (Gas Appliances) Regulation 2004

Clause 18

Miscellaneous

Part 4

Part 4 Miscellaneous

18 Gas Appliances Certification Register

- (1) The Director-General must keep a register of persons or organisations granted a certification authority.
- (2) The Director-General is to enter on the Register the following particulars in relation to a person or organisation granted a certification authority:
 - (a) the name of the person or organisation,
 - (b) the full address of the person or organisation, being (in the case of an individual) his or her principal place of residence or (in the case of a corporation or organisation) its registered office or principal office or place of business in New South Wales,
 - (c) the identifying mark for the person or organisation supplied under clause 5 (2) (b) (“the *registered mark*”),
 - (d) such other details supplied in the application for the certification authority as the Director-General considers should be entered on the Register.

19 Change of particulars

If the name and address of the holder of a certification authority changes, the holder must notify the Director-General within 14 business days after the change occurs.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units in any other case.

20 Amendment of Gas Supply (Safety Management) Regulation 2002

The *Gas Supply (Safety Management) Regulation 2002* is amended by omitting clause 29D (2) and by inserting instead the following subclause:

- (2) Without affecting the generality of subclause (1), a person must not connect a gas appliance to a gas installation or modify a gas appliance connected to a gas installation unless the appliance (or appliance as modified) is a certified gas appliance within the meaning of the *Gas Supply (Gas Appliances) Regulation 2004*.

Maximum penalty: 20 penalty units.



New South Wales

Liquor Amendment (Annual Licence Fee Exemption) Regulation 2004

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

Explanatory note

Clause 60 (2) of the *Liquor Regulation 1996* currently exempts hotel and retail liquor licences that were in force immediately before 1 August 2004 from the annual licence fee payable under section 56C of the *Liquor Act 1982*. The object of this Regulation is to extend that exemption so that it also covers a number of “conditionally granted” licences in respect of which the fee for the granting of the licence was fixed by the Liquor Administration Board under section 56 of the Act before 1 August 2004.

This Regulation is made under the *Liquor Act 1982*, including section 56C (3).

Clause 1 Liquor Amendment (Annual Licence Fee Exemption) Regulation 2004

Liquor Amendment (Annual Licence Fee Exemption) Regulation 2004

under the

Liquor Act 1982

1 Name of Regulation

This Regulation is the *Liquor Amendment (Annual Licence Fee Exemption) Regulation 2004*.

2 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

Liquor Amendment (Annual Licence Fee Exemption) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 60 Annual fee for hotelier's licence or off-licence (retail)

Omit clause 60 (2). Insert instead:

- (2) In accordance with section 56C (3) of the Act, the annual fee under that section is not payable in respect of a hotelier's licence or off-licence to sell liquor by retail if:
 - (a) the licence was in force immediately before 1 August 2004, or
 - (b) the fee for granting the licence was fixed by the Board under section 56 of the Act (as in force before the amendments to that section made by the *National Competition Policy Liquor Amendments (Commonwealth Financial Penalties) Act 2004*) and has been paid.



New South Wales

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

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 prescribe additional matters that an auto-dismantler must include on a receipt when disposing of a prescribed part or accessory to a person. This Regulation also substitutes Form 2A in Schedule 3 to include additional fields in the prescribed parts register that is part of that Form. This is to take account of duplicate parts on a vehicle such as wheels and airbags.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 26A and 57 (the general regulation-making power).

Clause 1 Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

under the

Motor Dealers Act 1974

1 Name of Regulation

This Regulation is the *Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004*.

2 Amendment of Motor Dealers Regulation 2004

The *Motor Dealers Regulation 2004* is amended as set out in Schedule 1.

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 34 Identification of parts by auto-dismantlers: section 26A

Omit clause 34 (2) (d). Insert instead:

- (d) the VIN for the vehicle from which the part or accessory was taken (if known),
- (e) the person's name and address,
- (f) if the person has any of the following numbers, one of those numbers:
 - (i) an ABN (Australian Business Number) within the meaning of section 41 of the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth,
 - (ii) an ACN (Australian Company Number) within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth,
 - (iii) an ARBN (Australian Registered Body Number) within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.
- (g) if the person is an individual, and:
 - (i) if the person is the holder of a licence under the Act, the licence number, or
 - (ii) if the person is not the holder of a licence under the Act, the person's driver licence number, or
 - (iii) if the person is not the holder of a licence under the Act or the holder of a driver licence, details (including the number) of some other document bearing a photograph of the person, that appears to be issued by the government or a statutory authority of New South Wales or the Commonwealth or another State or Territory, and that appears to provide reasonable evidence of the person's identity.

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

Schedule 1 Amendments

[2] Schedule 3 Forms

Omit Form 2A. Insert instead:

Form 2A Auto dismantlers' register for motor vehicles

(Clause 18 (1) (c))

Motor Dealers Act 1974: section 21

VEHICLE	NAME OF LICENSEE	LICENCE No
---------	------------------	------------

Entry No	
Date of Acquisition	
Make & Body Type	
Model Designation	
Date of Manufacture	
Reg. No (if any)	
Odometer Reading	
Engine No	
VIN or Chassis No	

Details of Person From Whom Acquired	
Name	
Address	
If not Trade Owner then Driver's Licence No or other photo ID	
If Trade Owner then Trade Owner's Licence No (under Act)	

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

Amendments

Schedule 1

PRESCRIBED PARTS			
DESCRIPTION	SALVAGED (Y/N)	DATE OF DISPOSAL	* RECEIPT NO
Chassis			
Major body section			
Bonnet			
Right side door (front)			
Left side door (front)			
Right side door (back)			
Left side door (back)			
Hatchback door			
Boot lid			
Right front guard			
Left front guard			
Front bumper bar			
Rear bumper bar			
Front apron panel			
Engine/engine block			
Gearbox/transmission			
Instrument cluster			
Car radio/tape/compact disc (CD) equipment			
Electronic navigation equipment			
Television			
Digital video disc (DVD) equipment			
Airbag driver front			
Airbag passenger front			
Airbag driver side			
Airbag passenger side			

Motor Dealers Amendment (Auto-Dismantlers) Regulation 2004

Schedule 1 Amendments

PRESCRIBED PARTS			
DESCRIPTION	SALVAGED (Y/N)	DATE OF DISPOSAL	* RECEIPT NO
Alloy "mag" wheel 1			
Alloy "mag" wheel 2			
Alloy "mag" wheel 3			
Alloy "mag" wheel 4			
Alloy "mag" wheel 5			

* **NOTE:** The name and address of the purchaser, a description of the prescribed part, the relevant VIN and the dealer's licence number **MUST** be recorded on each sale receipt for prescribed parts.



New South Wales

Registration of Interests in Goods Amendment (Fees) Regulation 2004

under the

Registration of Interests in Goods Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registration of Interests in Goods Act 1986*.

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

Explanatory note

The object of this Regulation is to increase the fees in the *Registration of Interests in Goods Regulation 2004* (the **Principal Regulation**) and to introduce certain new fees in relation to the provision, by members of staff of the Department of Commerce, of assistance with software that connects a person to the Register of Interests in Goods and in relation to the provision of a duplicate statement of account to account customers. All fees are payable to the Commissioner for Fair Trading, Department of Commerce.

This Regulation also moves the provisions under which fees are charged in the Principal Regulation into a single Schedule for convenience.

This Regulation is made under the *Registration of Interests in Goods Act 1986*, including section 21 (the general regulation-making power).

Clause 1 Registration of Interests in Goods Amendment (Fees) Regulation 2004

Registration of Interests in Goods Amendment (Fees) Regulation 2004

under the

Registration of Interests in Goods Act 1986

1 Name of Regulation

This Regulation is the *Registration of Interests in Goods Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 January 2005.

3 Amendment of Registration of Interests in Goods Regulation 2004

The *Registration of Interests in Goods Regulation 2004* is amended as set out in Schedule 1.

Registration of Interests in Goods Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

approved email transfer means the transfer by way of email of an electronic file that is in a format approved by the Director-General.

[2] Clause 3 (1)

Omit the definition of *on-line connection*. Insert instead:

on-line connection means a connection to the Register using a computer or a telecommunications network (or both) and includes the services known as REVS Online, REVS Internet, REVS Webservices and REVS by Speech, but does not include email or approved email transfer.

[3] Part 3 Registration and search fees

Omit the Part.

[4] Clause 17 Variation of recorded information

Omit clause 17 (1) and (4).

[5] Part 5 Administrative service fees

Omit the Part.

[6] 31 Fees payable to Director-General

Omit clause 31 (1). Insert instead:

- (1) The fees payable under the Act and this Regulation are those set out in Schedule 2.
- (1A) The amount specified in the third column of Schedule 2 is payable to the Director-General in respect of the type of fee specified opposite that amount in the second column of that Schedule.

Registration of Interests in Goods Amendment (Fees) Regulation 2004

Schedule 1 Amendments

[7] Schedule 2

Insert after Schedule 1:

Schedule 2 Fees

(Clause 31 (1))

Item	Type of fee	Amount \$
Registration		
1	The prescribed fee for the purposes of section 5 (1A) (c) of the Act for each interest in respect of which an application is made:	
	(a) if the application is made by on-line connection, or	7.50
	(b) if the application is made by approved email transfer, or	9.50
	(c) if the application is made in any other way.	23
Recording prescribed information about boats		
2	The fee for each interest in respect of which an application is made by a creditor for a recording of prescribed information in relation to a boat that does not have a prime identifier as referred to in section 5 (3) of the Act:	
	(a) if the application is made by on-line connection, or	7.50
	(b) if the application is made by approved email transfer, or	9.50
	(c) if the application is made in any other way.	23
Varying recorded information		
3	The prescribed fee for the purposes of section 6 (2) of the Act for each interest in respect of which an application is made:	
	(a) if the application is made by on-line connection, or	4.70
	(b) if the application is made by approved email transfer, or	5.20
	(c) if the application is made in any other way.	10
4	The prescribed fee for the purposes of section 6 (6) (b) of the Act for each interest notified under section 6 (6) (a) of the Act (payable by the person notified).	6.50

Registration of Interests in Goods Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Item	Type of fee	Amount \$
Provision of certificates		
5	The prescribed fee for the purposes of section 8 (6) of the Act for each item in respect of which an application is made by an account customer for issuing a certificate under section 8 (1) of the Act in the form of a statement of account:	
	(a) if the application is made by on-line connection, or	4.70
	(b) if the application is made other than by on-line connection.	7
6	The prescribed fee for the purposes of section 8 (6) of the Act for each item in respect of which an application is made by an account customer for issuing a certificate under section 8 (1) of the Act other than in the form of a statement of account:	
	(a) if the application is made by on-line connection and the certificate is delivered electronically, or	8.80
	(b) if the application is made by on-line connection and the certificate is delivered other than electronically, or	10
	(c) if the application is made other than by on-line connection and the certificate is delivered electronically, or	10
	(d) if the application is made other than by on-line connection and the certificate is delivered other than electronically.	12
7	The prescribed fee for the purposes of section 8 (6) of the Act for each certificate in respect of which an application is made by a person other than an account customer under section 8 (1) of the Act:	
	(a) for the first copy of a certificate, or	12
	(b) for a facsimile copy of a certificate for which the person has paid a fee.	3
8	The prescribed fee for the purposes of section 8 (6) of the Act for each application to issue a certificate under section 8 (5) of the Act.	150
Applying to become an account customer		
9	The fee for each application for approval to become an account customer.	27.50

Registration of Interests in Goods Amendment (Fees) Regulation 2004

Schedule 1 Amendments

Item	Type of fee	Amount \$
Registrable interest inquiries		
10	The fee for an application by an account customer for a listing of interests in that customer's name made by on-line connection:	
	(a) for each application, and	15
	(b) for each page of the list supplied.	0.30
11	The fee for an application by an account customer for a listing in the form of a computer disk or email of interests in that customer's name made other than by on-line connection:	
	(a) for each application, and	30
	(b) for each interest included in the list.	0.01
12	The fee for an application by an account customer for a listing in the form of a written document of interests in that customer's name made other than by on-line connection:	
	(a) for each application, and	30
	(b) for each page of the list.	0.50
13	The fee for each interest in respect of which an application is made by an account customer to search the register using only creditors' reference number:	
	(a) if the search is made by way of on-line connection, or	4.70
	(b) if the search is made in any other way.	7
Provision of duplicate statements		
14	The fee for each application by an account customer for a duplicate statement of account to be provided by on-line connection.	5
15	The fee for each application by an account customer for a duplicate statement of account to be provided other than by on-line connection, and:	15
	(a) if the list is supplied by way of a written document, for each page of the list, or	0.50
	(b) if the list is supplied in the form of a computer disk or email, for each interest included in the list.	0.01

Registration of Interests in Goods Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Item	Type of fee	Amount \$
Transferring registrable interests		
16	The fee for an application by an account customer to transfer interests registered in the name of one account customer into the name of another:	
	(a) for each application, and	25
	(b) for each interest to be transferred.	4.70
Installing and assisting with REVS software		
17	The fee for the installation of an on-line computer software package:	
	(a) for each site visit, and	80
	(b) for each hour (or part hour) of the installation.	80
18	For assistance with an on-line computer software package:	
	(a) for each site visit, and	80
	(b) for each hour (or part hour) of the assistance.	80
Training		
19	The fee for each person to whom training in relation to the operation of the register is to be provided:	
	(a) for each full working day of training, and	120
	(b) for each half working day of training.	60

Orders



New South Wales

Anglican Church of Australia (Lakes Grammar—An Anglican School Board) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938*, make the following Order.

Dated, this 24th day of November 2004.

By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938* provides that persons who, for the time being, are members of an unincorporated body that is constituted by an ordinance of the Synod of a diocese for the purposes of managing, governing or controlling an institution or organisation of the Anglican Church of Australia, or of dealing with any church trust property, may be the subject of a declaration by an ordinance of the Synod that it is expedient to constitute them as a body corporate. Once the ordinance making the declaration is passed, the Governor may, by order published in the Gazette, declare members of the unincorporated body to be a body corporate.

The object of this Order is to declare that the members of the Lakes Grammar—An Anglican School Board, are a body corporate known as “Lakes Grammar—An Anglican School Board”. The relevant ordinances are the *Warnervale Anglican Grammar School Board Ordinance 2002* and the *Lakes Grammar—An Anglican School Incorporation Ordinance 2004*.

This Order is made under section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938*.

Clause 1 Anglican Church of Australia (Lakes Grammar—An Anglican School Board)
Order 2004

Anglican Church of Australia (Lakes Grammar—An Anglican School Board) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

1 Name of Order

This Order is the *Anglican Church of Australia (Lakes Grammar—An Anglican School Board) Order 2004*.

2 Lakes Grammar—An Anglican School Board

It is declared that the persons who for the time being are the members of the body known as Lakes Grammar—An Anglican School Board constituted under the *Warnervale Anglican Grammar School Board Ordinance 2002* are a body corporate under the name “Lakes Grammar—An Anglican School Board”.

Rules



New South Wales

Supreme Court Rules (Amendment No 397) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 15 November 2004.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

Rule 5 (b) (vi) of Part 12 of the *Supreme Court Rules 1970* currently assigns to the Equity Division of the Supreme Court any proceedings in the Court in relation to any provision in any Act or Commonwealth Act by which a tax, fee, duty or other impost is levied, collected or administered by or on behalf of the State or the Commonwealth.

The object of these Rules is to amend rules 4 and 5 of Part 12 to make it clear that any proceedings for debt in relation to any such provision of an Act is assigned to the Common Law Division while proceedings for any other kind of relief are assigned to the Equity Division.

Rule 1 Supreme Court Rules (Amendment No 397) 2004

Supreme Court Rules (Amendment No 397) 2004

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 397) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Supreme Court Rules (Amendment No 397) 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 12

Insert after rule 4 (3):

- (4) There are assigned to the Common Law Division any proceedings in the Court for debt arising under any provision in any Act or Commonwealth Act by which a tax, fee, duty or other impost is levied, collected or administered by or on behalf of the State or the Commonwealth.

[2] Part 12, rule 5

Insert “(other than proceedings for debt that are assigned to the Common Law Division by rule 4 (4))” after “the Commonwealth” in rule 5 (b) (vi).



New South Wales

Supreme Court Rules (Amendment No 398) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 15 November 2004.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend Part 1 of Schedule E to the *Supreme Court Rules 1970* to remove the current restriction on the power of a registrar to exercise the Court's power under rule 12 (Attendance and production) of Part 36.

Rule 1 Supreme Court Rules (Amendment No 398) 2004

Supreme Court Rules (Amendment No 398) 2004

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 398) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Supreme Court Rules (Amendment No 398) 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Rule 2)

Schedule E

Omit the matter in Column 3 of Part 1 relating to rule 12 of Part 36.



New South Wales

Supreme Court Rules (Amendment No 400) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 15 November 2004.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to make amendments to Part 78 of, and Schedule F to, the *Supreme Court Rules 1970* with respect to applications by creditors for the administration of estates and the withdrawal of caveats with respect to probate matters.

Rule 1 Supreme Court Rules (Amendment No 400) 2004

Supreme Court Rules (Amendment No 400) 2004

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 400) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Supreme Court Rules (Amendment No 400) 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 78, rule 32

Omit the rule.

[2] Part 78, rule 33

Omit rule 33 (1). Insert instead:

- (1) A creditor who desires to commence proceedings for a grant of administration in circumstances where the deceased has left a will must:
 - (a) file an affidavit in proof of the debt to the creditor, and
 - (b) where an executor is appointed by the will and has not renounced probate—serve a citation to take probate on the executor, and
 - (c) where the executor fails to comply with the citation to take probate—serve a citation to pray for:
 - (i) on every beneficiary under the will, and
 - (ii) in the case of a partial intestacy, on every person entitled in administration of the estate on intestacy.

[3] Part 78, rule 33 (4)

Omit “upon the widow or widower of the deceased and”.

[4] Part 78, rule 33 (5)–(7)

Insert after rule 33 (4):

- (5) In any proceedings commenced by a creditor for a grant of administration, the creditor must file an affidavit of compliance with this rule and that none of the persons cited has complied with the citation.
- (6) In any proceedings commenced by a creditor for a grant of administration, the Court may require any one or more of the following:
 - (a) that further evidence be furnished to the Court,
 - (b) that further citations be served,
 - (c) that further notices be given.
- (7) The Court may, if it thinks fit, refuse or withhold a grant of administration to a creditor even if the creditor has complied with this rule.

Page 3

Supreme Court Rules (Amendment No 400) 2004

Schedule 1 Amendments

[5] Part 78, rule 34

Omit the rule.

[6] Part 78, rule 64

Omit the rule. Insert instead:

64 Withdrawal of caveat—no proceedings for grant or resealing or caveator sole applicant for grant or resealing

- (1) This rule applies to a caveat if:
 - (a) there are no proceedings for a grant or resealing in the estate, or
 - (b) the caveator is the sole applicant in proceedings for a grant or resealing in the estate.
- (2) A caveator may withdraw a caveat to which this rule applies by filing a notice in Form 115.
- (3) The withdrawal of a caveat under this rule has effect on the date on which the notice referred to in subrule (2) is filed.

[7] Part 78, rule 65

Omit “This” from rule 65 (1). Insert instead “Subject to rule 64, this”.

[8] Part 78, rule 65 (4)–(6)

Insert after rule 65 (3):

- (4) A draft minute of the order sought must be lodged with the registrar before any order is made on the motion.
- (5) The order must be entered.
- (6) The order may be entered at any time after the minute of it is signed.

[9] Part 78, rule 66

Omit the rule. Insert instead:

66 Withdrawal

If leave is granted to withdraw a caveat, the caveat is taken to be withdrawn on the granting of that leave.

Supreme Court Rules (Amendment No 400) 2004

Amendments

Schedule 1

[10] Schedule F

Insert after Form 114:

Form 115

P 78, r 64.

NOTICE OF WITHDRAWAL OF CAVEAT

I (*name*) of (*address*) withdraw the caveat filed by me on (*date*) and numbered (*number of caveat*).

Dated: (*date*)

(*signature*)

Caveator *or* Caveator's solicitor

[11] Schedule F, Index of Forms

Insert after the matter relating to Form 114:

Form 115

Notice of withdrawal of caveat (P 78, r 64).

OFFICIAL NOTICES

Appointments

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) ACT 1998

Appointment of Chair to the
OJD Industry Advisory Committee

I, IAN MACDONALD MLC, Minister for Primary Industries hereby appoint Mr Garry Bruce West as Chairperson of the OJD Industry Advisory Committee. This appointment is made pursuant to Section 8 (3) (a) of the *Agricultural Livestock (Disease Control Funding) Act 1998*. He is appointed for a term ending on 31 December 2006.

Dated this 4th day of November 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) ACT 1998

Appointment of Member to the
Standing Disease Control Advisory Committee

I, IAN MACDONALD, MLC, NSW Minister for Primary Industries, in pursuance of the provisions of Sections 7(2) (b) of the *Agricultural Livestock (Disease Control Funding) Act 1998*, hereby appoint Mr Michael NICHOLLS of Gunning to the position of Member of the Standing Disease Control Advisory Committee for a term of office commencing on the date hereof and ending on 31 December 2006.

Dated this 4th day of November 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

BANANA INDUSTRY ACT 1987

Election of Member
to Banana Industry Committee

IN pursuance of the provisions of section 3(3)(b) of the Banana Industry Act 1987, the following person has been elected to fill a position as regional representative for the Tweed Coastal region on the Banana Industry Committee:

Peter Charles BALE of Mooball

for a term expiring on 29 September 2007.

Dated this 12th day of October 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988

Commissioner
Appointment under Section 5(1)

HIS Excellency the Governor and the Executive Council upon the recommendation of the Premier, have approved, pursuant to the provisions of the *Independent Commission*

Against Corruption Act 1988, that The Hon Jerrold Cripps, QC be appointed to the office of Commissioner, Independent Commission Against Corruption Act 1988, commencing on and from 14 November 2004.

The Hon R. J. CARR, M.P.,
Premier, Minister for the Arts,
and Minister for Citizenship

PLANT DISEASES ACT 1924

Appointment of Inspectors

I Barry Desmond BUFFIER, Director-General of the New South Wales Department of Primary Industries, pursuant to section 11 (1) of the Plant Diseases Act 1924 ("the Act") appoint the persons named in Schedule 1 as Inspectors under the Act:

SCHEDULE 1

Kristy HAVERHOEK
Terence LYONS
Michael VARDANEGA

Dated this 12th day of November 2004.

B. D. BUFFIER,
Director-General

VETERINARY SURGEONS ACT 1986

Appointment of Member

Veterinary Surgeons Investigating Committee

I, IAN MACDONALD MLC, NSW Minister for Primary Industries, pursuant to section 24(3)(d) of the *Veterinary Surgeons Act 1986*, appoint Dr Tanya Carter as a member of the Veterinary Surgeons Investigating Committee for a term commencing 4 February 2005 and expiring on 31 December 2005.

Dated this 25th day of October 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

VETERINARY SURGEONS ACT 1986

Appointment of Member

Veterinary Surgeons Investigating Committee

I, IAN MACDONALD MLC, NSW Minister for Primary Industries, pursuant to section 24(3)(d) of the *Veterinary Surgeons Act 1986*, appoint Dr Richard Jane as a member of the Veterinary Surgeons Investigating Committee for a term commencing 4 February 2003 and expiring on 3 February 2004.

Dated this 25th day of October 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

VETERINARY SURGEONS ACT 1986

Appointment of Member

Veterinary Surgeons Investigating Committee

I, IAN MACDONALD MLC, NSW Minister for Primary Industries, pursuant to section 24(3)(d) of the Veterinary Surgeons Act 1986, appoint Dr Richard Jane as a member of the Veterinary Surgeons Investigating Committee for a term commencing 4 February 2004 and expiring on 3 February 2005.

Dated this 25th day of October 2004.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 48)

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*. (G01/00012/PC)

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

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 48)

Ballina Local Environmental Plan 1987 (Amendment No 48)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 48)*.

2 Aims of plan

This plan aims to rectify a number of zoning anomalies on certain land within the Chickiba Estate, East Ballina:

- (a) to ensure that all residential lots and the Tuckeroo Drive road reserve are within the Zone No 2 (a) Living Area Zone under *Ballina Local Environmental Plan 1987*, and
- (b) to ensure that open space that is not identified as having environmental values on the fringe of the estate is within the Zone No 6 (a) Open Space Zone under the 1987 plan.

3 Land to which plan applies

This plan applies to certain land within the Chickiba Estate, East Ballina, as shown edged heavy black and distinctively coloured on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 48)" deposited in the office of the Ballina Shire Council.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Ballina Local Environmental Plan 1987 (Amendment No 48)



New South Wales

Blayney Local Environmental Plan 1998 (Amendment No 6)

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*. (S03/02096/PC)

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

Clause 1 Blayney Local Environmental Plan 1998 (Amendment No 6)

Blayney Local Environmental Plan 1998 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blayney Local Environmental Plan 1998 (Amendment No 6)*.

2 Aims of plan

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of Blayney, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout Blayney retain their heritage significance.

3 Land to which plan applies

This plan applies to all land within the Blayney area.

4 Amendment of Blayney Local Environmental Plan 1998

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

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Omit the definition of *demolish* from clause 5 (1). Insert instead:

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.

[2] Clause 5 (1), definition of “heritage conservation area”

Omit the definition. Insert instead:

heritage conservation area means land shown edged heavy black on any of the maps marked as follows and includes buildings, works, archaeological sites, relics, trees and places situated on or within that land:

Blayney Local Environmental Plan 1998 (Amendment No 3)—Millthorpe Heritage Conservation Area

[3] Clause 5 (1), definition of “heritage item”

Omit the definition. Insert instead:

heritage item means:

- (a) a building, work, archaeological site or place (which may or may not be situated on or within land that is a heritage conservation area) specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 2, or
- (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.

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

[4] Clause 5 (1), definition of “maintenance”

Omit the definition. Insert instead:

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.

[5] Clause 5 (1), definition of “relic”

Omit the definition. Insert instead:

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 Blayney 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 Blayney area.

[6] Clause 5 (1)

Insert in alphabetical order:

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 more contemporary cultural significance.

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

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.

[7] Clause 25

Omit the clause. Insert instead:

25 Protection of heritage items and heritage conservation areas

(1) When is consent required?

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

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

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

(2) **What exceptions are there?**

Development consent is not required by this clause if:

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

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

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

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

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

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

The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

consent authority may also decline to grant such a consent until it has considered a **conservation management plan**, if it considers the development proposed should be assessed with regard to such a plan.

- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a **heritage item**:
 - (i) the heritage significance of the item as part of the environmental heritage of the Blayney 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
 - (b) for development that would be carried out in a **heritage conservation area**:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

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

[8] Clauses 26 and 26A

Omit clause 26. Insert instead:

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

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

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

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

26A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (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.

[9] Clauses 27–30A

Omit clauses 27–30. Insert instead:

27 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

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

28 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause 30.

29 Notice of demolition to Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule 2 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.

30 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

-
- (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.

30A Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any), and
 - (b) the style, size, proportion and position of the openings for windows or doors (if any), and
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.
- (3) Consent must not be granted to development on a site within a heritage conservation area which will result in a landscaped area of less than 5% of the site area.

[10] Schedule 2 Heritage items

Insert in appropriate order under the heading **BLAYNEY**:

33A Bakery

122 Adelaide Street Blayney 2799

Lot 1 Section 3 DP 713347

Assessment No 549

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

33B Residence

30 Adelaide Street Blayney 2799

Lot 7 Section 8 DP 758121

Assessment No 589

33C Shop

131 Adelaide Street Blayney 2799

Lot 1 Section 15 DP 314277

Assessment No 535

33D Residence

24 Church Street Blayney 2799

Lots 1 & 2 DP 741147

Assessment No 754

33E Cottage

8 Lane Street Blayney 2799

Lots 14 & 15 Section 2 DP 1450

Assessment No 877

33F Units

53 Adelaide Street Blayney 2799

Lot A Section 12 DP 349106

Assessment No 506

33G Shop

55 Adelaide Street Blayney 2799

Lot B DP 349106

Assessment No 507

33H Residence

43 Osman Street Blayney 2799

Lot 5 Section 21 DP 758121

Assessment No 1099

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

33I Residence

34 Water Street Blayney 2799

Lot B DP 381285

Assessment No 1252

33J “Wonga Homestead”

87 Hills Lane Blayney 2799

Lot 109 DP 579555

Assessment No 437-2

33K Blayney General Cemetery

Memorial Drive Blayney 2799

33L Marsden Family Vault

101 Plumb Street Blayney 2799

Lot 2 DP 881499

Assessment No 456-32

[11] Schedule 2

Insert in appropriate order under the heading **MILLTHORPE**:

60A Semi-detached Cottage

16 Park Street Millthorpe 2798

Lot 7 Section F DP 3098

Assessment No 1761

60B Semi-detached Cottage

18 Park Street Millthorpe 2798

Lot 6 Section F DP 3098

Assessment No 1760

60C Cottage

5 Montgomery Street Millthorpe 2798

Lot 12 Section 3 DP 1112

Assessment No 1737

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

60D Cottage

7 Montgomery Street Millthorpe 2798

Lot 11 Section 3 DP 1112

Assessment No 1736

60E Cottage

17 Pilcher Street Millthorpe 2798

Lot 15 Section 3 DP 983554

Assessment No 1776

60F Residences

14 & 16 Pym Street Millthorpe 2798

Lot 11 Section A DP 1713

Assessment No 1803-1

60G “Garryowen Homestead”

569 Forest Reefs Road Millthorpe 2798

Lot 322 DP 704705

Assessment No 150-33

60H Residence

18–22 George Street Millthorpe 2798

Lots 15–17 Section G DP 3361

Assessment No 1713-312

60I Millthorpe General Store

1 Pym Street Millthorpe 2798

Lot 4 DP 11941

Assessment No 1799

60J Millthorpe General Cemetery

Park Street Millthorpe 2798

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

[12] Schedule 2

Insert in appropriate order under the heading **NEWBRIDGE**:

63A Residence

3 Caloola Street Newbridge

Lot 1 DP 219733

Assessment No 1461-1

63B Hotel and Shop

26 Trunkey Street Newbridge

Lot 1 DP 819367

Assessment No 1521-1

63C Cottage

16 Trunkey Street Newbridge

Lot 1 Section 1B DP 1282

Assessment No 1526-1

63D Shops

9 Caloola Street Newbridge

Lot 2 DP 151765

Assessment No 1465

63E Thorneys Cemetery

347 Fitzgerald Valley Road Newbridge

Lot 2 DP 777487

Assessment No 1416

63F Newbridge General Cemetery

Off Wimbledon Road Newbridge

[13] Schedule 2

Insert in appropriate order under the heading **HOBBYS YARDS**:

65A Hobbys Yards General Cemetery

Hobbys Yards Cemetery Road (Off Three Brothers Road)
Hobbys Yards

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

[14] Schedule 2

Insert in appropriate order under the heading **NEVILLE**:

73A Shop and Residence

52–54 Carcoar Street Neville

Lots 1 & 3 Section 18 DP 758767

Assessment No 2661

73B Neville Hotel

24 Crouch Street Neville

Lot 2 Section 9 DP 758767

Assessment No 2623

73C Cottage

4 Teasdale Road Neville

Lot 12 Section 21 DP 758767

Assessment No 2669

73D Neville General Cemetery

Kentucky Road Neville

[15] Schedule 2

Insert in appropriate order under the heading **MANDURAMA**:

84A Cottage

24 Loquat Street Mandurama

Lot 1 DP 743627

Assessment No 2308

84B Cliefden Homestead & Rothery Private Cemetery

1521 Belubula Way Mandurama

Lot 11 DP 566218

Assessment No 1866-1

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

84C “Sydenham Homestead”

192 Mandurama Road Mandurama

Lot 4 DP 750393

Assessment No 2016-1

84D Cottage

27 Gold Street Mandurama

Lot 1 DP 1003790

Assessment No 2271

[16] Schedule 2

Insert in appropriate order under the heading **LYNDHURST:**

87A Lyndhurst General Cemetery

Cemetery Lane Lyndhurst

[17] Schedule 2

Insert in appropriate order under the heading **CARCOAR:**

116A Cottage

13 Belubula Street Carcoar

Lot 7 Section 18 DP 758225

Assessment No 1288

116B Old Commercial Hotel

9 Belubula Street Carcoar

Lot 1 Section 18 DP 996351

Assessment No 1290

116C Shops and Residence

7 Belubula Street Carcoar

Lot 1 DP 731723 & Lot 4 Section 18 DP 758225

Assessment No 1292

Blayney Local Environmental Plan 1998 (Amendment No 6)

Schedule 1 Amendments

116D Shop

2 Belubula Street Carcoar
Lot 2 Section 17 DP 70599
Assessment No 1277

116E Cottage

8 Icely Street Carcoar
Lot 1 Section 10 DP 758225
Assessment No 1325

116F Stammers House

40 Icely Street Carcoar
Lot 7 Section 7 DP 758225
Assessment No 1331

116G Old Bakery

18 Naylor Street Carcoar
Lot 1 DP 662024
Assessment No 2818

116H Stoke Hotel

12 Naylor Street Carcoar
Lot 442 DP 706264
Assessment No 2817

116I Carcoar General Cemetery

Carcoar Road Carcoar

[18] Schedule 2

Insert at the end of the Schedule:

KINGS PLAINS

121 "Iralee Homestead"

3011 Mid Western Highway Kings Plains
Lot 5 DP 1040434
Assessment No 3034

Blayney Local Environmental Plan 1998 (Amendment No 6)

Amendments

Schedule 1

122 Cottage

2937 Mid Western Highway Kings Plains

Lot 77 DP 750413

Assessment No 3029-1

CADIA

123 Cadia General Cemetery

Cadia

SHAW

124 Shaw General Cemetery

934 Mount Macquarie Road Shaw

Lots 1 & 2 DP 724418

Assessment No 2788

BENEREE

125 “Old School House”

455 Tallwood Road Beneree

Lots 333, 372 DP 750367

Assessment No 343-1

FOREST REEFS

126 Forest Reefs Cemetery

Convent Lane Forest Reefs

Lot 1 DP 668339



Byron Local Environmental Plan 1988 (Amendment No 116)

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*. (G95/00414/PC)

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

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 116)

Byron Local Environmental Plan 1988 (Amendment No 116)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 116)*.

2 Aims of plan

This plan aims to amend *Byron Local Environmental Plan 1988* to change the shape of the building envelope within which a dwelling-house may be erected pursuant to item 21 of Schedule 8 to *Byron Local Environmental Plan 1988*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Byron, being Lot 6, DP 607705, Federal Road, Federal, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 116)" deposited in the office of Byron Shire Council.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended by omitting from item 21 in Schedule 8 the words "Byron Local Environmental Plan 1988 (Amendment No 56)" and by inserting instead the words "Byron Local Environmental Plan 1988 (Amendment No 116)".



Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)

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*. (P02/00180/S69)

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

Clause 1 Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)*.

2 Aims of plan

The aim of this plan is to amend *Campbelltown (Urban Area) Local Environmental Plan 2002 (the principal plan)*:

- (a) to allow development for the purposes of sex industry premises (being any brothel, restricted premises or sex-on-premises establishment) with the consent of the Council of the City of Campbelltown in Zones 4 (a) (General Industry Zone), 4 (b) (Industry B Zone) and 4 (c) (Industry C Zone) under the principal plan and to prohibit development for such purposes elsewhere in the City of Campbelltown, and
- (b) to provide definitions of *prostitution*, *restricted premises*, *sex industry premises* and *sex-on-premises establishment* for the purposes of the principal plan, and
- (c) to exclude prostitution from the definition of *home activity* for the purposes of the principal plan.

3 Land to which plan applies

This plan applies to all land within the City of Campbelltown to which *Campbelltown (Urban Area) Local Environmental Plan 2002* applies.

4 Amendment of Campbelltown (Urban Area) Local Environmental Plan 2002

Campbelltown (Urban Area) Local Environmental Plan 2002 is amended as set out in Schedule 1.

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] **Clauses 9 (5), 10 (5), 11 (5), 14 (5), 19 (5), 23 (5), 24 (5), 25 (5), 26 (5), 27 (5), 28 (5), 29 (5) and 30 (5)**

Omit “brothels;” wherever occurring.

[2] **Clause 61**

Insert after clause 60:

61 Development for the purpose of sex industry premises

- (1) Development of land to which this plan applies for the purposes of sex industry premises must not be carried out except as provided by this clause, despite any other provision of this plan.
- (2) Development of the kind referred to in subclause (1) may be carried out on land within Zone 4 (a), 4 (b) or 4 (c) but only with development consent.
- (3) In this clause:

brothel means premises habitually used for the purposes of prostitution, whether or not by only one prostitute.

restricted premises means a building or place, other than a newsagency or pharmacy, where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are exposed, exhibited, displayed or sold or otherwise made accessible or available to the public, or
- (b) a business is conducted to which section 578E (Offences relating to advertising or displaying products associated with sexual behaviour) of the *Crimes Act 1900* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with, or is used or intended to be used in connection with, sexual behaviour, but which is not printed matter.

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 5)

Schedule 1 Amendments

sex industry premises means any brothel, restricted premises or sex-on-premises establishment.

sex-on-premises establishment means any premises that gain income from entrance or membership fees (or both) for the use of booths or any other area on the premises designated for casual sex between patrons, but does not include a brothel.

[3] Schedule 3 Dictionary

Omit the definition of *brothel*.

[4] Schedule 3, definition of “home activity”

Insert at the end of paragraph (f):

, or

(g) the use of the site for the purposes of prostitution.

[5] Schedule 3

Insert in alphabetical order:

prostitution means the provision of a sexual act or sexual service in return for payment or reward.



Coffs Harbour City Local Environmental Plan 2000 (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*. (G96/00052/PC)

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

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to create on-going employment and income opportunities for the rural communities,
- (b) to have settlement patterns and land uses that achieve the highest economic return for the community,
- (c) to employ the user pays principle for the provision of infrastructure and environmental values,
- (d) to ensure existing and future community, educational, leisure and recreational facilities are adequate to serve the community,
- (e) to provide equitable access to social services and employment opportunities,
- (f) to enhance cultural values and create a sense of place within the rural communities,
- (g) to maintain biodiversity and protect water quality,
- (h) to provide for development that enhances environmental values and is compatible with environmental constraints,
- (i) to ensure development is energy efficient and minimises greenhouse gas emissions.

3 Land to which plan applies

This plan applies to all land within the City of Coffs Harbour.

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Clause 4

4 Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended as set out in Schedule 1.

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 How does the development control table work?

Insert “bed and breakfast establishments;” in alphabetical order in item 2 of the matter relating to the Rural 1A Agriculture Zone and Rural 1B Living Zone in the Table to the clause.

[2] Clause 9, Table

Omit “bed and breakfast establishments;” wherever occurring in item 3 of the matter relating to the Rural 1A Agriculture Zone and Rural 1B Living Zone.

[3] Clause 18 Subdivision and erection of dwellings within rural and environmental protection zones

Omit “Korora Rural Development Control Plan” from clause 18 (4) (b) (iii) (A).

Insert instead “*Korora Rural Residential Development Control Plan*”.

[4] Clause 18 (5A) and (5B)

Insert after clause 18 (5):

- (5A) Consent may be granted to the subdivision of land to which this clause applies that comprises a boundary adjustment or rearrangement of allotment boundaries only if:
 - (a) the development consent does not authorise the creation of any additional allotment or dwelling entitlement, and
 - (b) each proposed allotment contains only one of the existing dwelling-houses or attached dual occupancies, and
 - (c) each proposed allotment comprises an area of at least 10 hectares, and
 - (d) the consent authority is satisfied that:
 - (i) if the land is within Zone 1A, the proposal meets the aim and objectives of Zone 1A, and
 - (ii) if part of the land is within Zone 7A, the long term management of the land in Zone 7A will be assisted.

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Amendments

Schedule 1

(5B) Consent may be granted to the subdivision of land within Zone 1B only if each proposed allotment has an area of at least the minimum area (not being an area of less than one hectare) specified in relation to the land in *Coramba-Karanggi-Upper Orara Development Control Plan* (as adopted by the Council on 21 August 2003) and *Nana Glen-Bucca Development Control Plan* (as adopted by the Council on 21 August 2003).

[5] Clause 18 (7) (b)

Omit “or (4)”. Insert instead “, (4) or (5B)”.

[6] Clause 18 (9)

Renumber clause 18 (14) as clause 18 (9).

[7] Clause 18 (9) (as renumbered by Schedule 1 [6])

Insert “that is within land to which *Korora Rural Residential Development Control Plan* (as adopted by the Council on 21 August 2003) applies” after “land” where first occurring.

[8] Clause 22 Waterways

Insert after clause 22 (5):

Drinking water catchment

- (6) Subclauses (7) and (8) apply to the land shown edged heavy black on the Drinking Water Catchment Map.
- (7) Despite any other provisions of this Plan, development for the purposes of any of the following may be carried out on land to which this subclause applies only with development consent:
 - (a) any of the following forms of agriculture:
 - (i) dairy farming,
 - (ii) the cultivation of crops by means of intensive horticulture (including floriculture, hydroponic horticulture and viticulture),
 - (iii) the cultivation of fruit,
 - (iv) the cultivation of plants in a wholesale plant nursery,

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Schedule 1 Amendments

-
- (b) a dam with a surface area greater than 5,000 square metres,
 - (c) a recreation area other than a children's playground.
 - (8) Consent may be granted to development on land to which this subclause applies only if the consent authority:
 - (a) has considered the impact the development will have on any public water supply source, and
 - (b) is satisfied the development will not increase the risk of pollution of any public water supply source.

[9] Clause 24 Exceptions

Insert at the end of the Land Use Exceptions Table:

Nana Glen, Nana Glen Rail, Lowanna and Ulong Villages	All land in Residential 2A Low Density Zone	Development for any purpose if the consent authority is satisfied that the development will benefit tourism and that it is consistent with <i>Nana Glen-Bucca Development Control Plan</i> , as adopted by the Council on 21 August 2003 and <i>Coastal and Hinterland Development Control Plan</i> , as adopted by the Council on 21 August 2003.
---	---	--

[10] Dictionary

Insert in alphabetical order:

Drinking Water Catchment Map means the map marked "Drinking Water Catchment" and contained in *Coramba-Karangi-Upper Orara Development Control Plan*, as adopted by the Council on 21 August 2003.

[11] Dictionary, definition of "the map"

Insert in appropriate order:

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Coolamon Local Environmental Plan 1995 (Amendment No 2)

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*. (Q00/00087/PC Pt1)

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

Clause 1 Coolamon Local Environmental Plan 1995 (Amendment No 2)

Coolamon Local Environmental Plan 1995 (Amendment No 2)

1 Name of plan

This plan is *Coolamon Local Environmental Plan 1995 (Amendment No 2)*.

2 Aims of plan

This plan aims to amend *Coolamon Local Environmental Plan 1995*, in relation to the land referred to in clauses 12, 13 and 17 of that plan, to amend the land areas in Zone No 1 (a) (the General Rural zone) and to introduce updated provisions for environmental heritage for Coolamon.

This plan also remedies a patent error in the description of the land to which the 1995 plan applies.

3 Land to which plan applies

This plan applies to land in Zone No 1 (a) (General Rural) and land on which an existing or new heritage item is situated or that is an existing or new heritage conservation area. New heritage items and heritage conservation areas are shown in black on the map marked “Coolamon Local Environmental Plan 1995 (Amendment No 2)” deposited in the office of the Coolamon Shire Council.

4 Amendment of Coolamon Local Environmental Plan 1995

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

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Aims, objectives etc

Omit clause 2 (a) (v). Insert instead:

- (v) the environmental heritage of the Coolamon local government area, and

[2] Clause 3 Land to which this plan applies

Omit “area within Coolamon Shire Council as shown on the map,”.

Insert instead “land within the local government area of Coolamon”.

[3] Clause 5 Definitions

Insert at the end of the definition of *the map* in clause 5 (1):

Coolamon Local Environmental Plan 1995 (Amendment No 2)

[4] Clause 5 (1)

Omit the definitions of *conservation plan*, *demolition*, *heritage conservation area*, *heritage item*, *heritage significance*, *maintenance* and *relic*.

[5] Clause 5 (1)

Insert the following in alphabetical order:

archaeological site means 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.

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

heritage conservation area means an area of land that is shown on the map as a heritage conservation area and 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.

heritage item means 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 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.

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 more contemporary cultural significance.

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

potential archaeological site means a site:

- (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 archaeological significance, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

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.

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 Coolamon 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 Coolamon local government area.

[6] Clause 9 Zone objectives and development control table

Omit item 1 (a) (viii) from the matter relating to Zone No 1 (a) in the Table.
Insert instead:

- (viii) the environmental heritage of the Coolamon local government area,

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

[7] Clause 12 Subdivision for the purposes of agriculture in Zone No 1 (a)

Omit “100 hectares” from clause 12 (2). Insert instead “200 hectares”.

[8] Clause 13 Subdivision for the purposes of dwelling-houses in Zone No 1 (a)

Omit “100 hectares” from clause 13 (b). Insert instead “200 hectares”.

[9] Clause 17 Dwellings in Zone No 1 (a)—vacant land

Omit “100 hectares” from clause 17 (1) (a). Insert instead “200 hectares”.

[10] Clauses 22–28

Omit the clauses. Insert instead:

22 Heritage aims and objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the Coolamon local government area, and
- (b) to conserve the existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout the Coolamon local government area retain their heritage significance.

23 Protection of heritage items and heritage conservation areas

- (1) 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 or finish,

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

-
- (c) altering a heritage item by making structural changes to its interior,
 - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
 - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

-
- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant a consent under 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.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the Coolamon 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
 - (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

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

-
- (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submissions received in relation to the proposed development in response to the notification or advertising of the application.

24 Development in the vicinity of heritage items

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the 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 it, 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.

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

-
- (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.

25 Advertised development for heritage items

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, relic, tree or place in a conservation area,
- (b) the carrying out of development allowed by clause 29.

26 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified 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.

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

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

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

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.

28 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

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

29 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of the consent, and
- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

- (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.

30 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any),
 - (b) the style, size, proportion and position of the openings for windows or doors (if any),
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

31 Access

A person, other than the Council, must not construct a road that has access to a public road except with the consent of the Council.

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

[11] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Heritage items

(Clause 5 (1))

Description	Address	Lot and DP
Ardlethan		
Old Bank of New South Wales	28 Ariaah Street	Lot 20 Section 1 DP 758028
Catholic Presbytery	Cnr Mithul and Park Streets	Lot 1 DP 1003673
London Hotel	12 Mirrool Street	Lot 1 Section 3 DP 5822, Part Lots 2-3 Section 3 DP 5822
Beckom		
Beckom Hotel	Cnr Ariaah and Deakin Streets	Lot 1 DP 110570
Coolamon		
Old Coolamon Hospital	58 Cowabbie Street	Lot 1 Section 25 DP 758277, Lot 4 DP 337903
Coolamon Hotel	Cnr Wade and Cowabbie Streets	Lot 1 DP 626087, Lot 10 Section 21 DP 758277
Coolamon Shire Hall	51-55 Cowabbie Street	Lots 9 and 10 Section 26 DP 758277
Cowabbie Street Park	Cowabbie Street	Part of Road Reserve, Cowabbie Street, Coolamon (between Loughnan and Mann Streets)
Old General Store (Up-To-Date Store)	127-129 Cowabbie Street	Lot 6 Section 9 DP 758277

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

Description	Address	Lot and DP
St Michael's Roman Catholic Church	Methul Street	Lot 6 Section 20 DP 758277
Coolamon RSL	Loughnan Street	Lot 2 DP 224841
Coolamon Railway Station	Wade Street	Railway land adjacent to Lot 1 DP 807823
Bank of New South Wales	130 Cowabbie Street	Part Lot 1 Section 15 DP 758277
Vacant	126-128 Cowabbie Street	Lot 11 DP 827368
CWA Rooms	124 Cowabbie Street	Part Lot 2 Section 15 DP 758277
CBC Bank	120 Cowabbie Street	Part Lot 2 Section 15 DP 758277
Old Curtis Building	116 Cowabbie Street	Lot A DP 101285
Commins Hendriks	116 Cowabbie Street	Lot B DP 101285, Part Lot C DP 101285
Treats and Treasures	114 Cowabbie Street	Lot 1 DP 900302
Vacant	110 Cowabbie Street	Lot 1 DP 515681
Ganmain Gear	108 Cowabbie Street	Lot 1 DP 313108
Twomey Patterson Accountants	106 Cowabbie Street	Lot 3 DP 662499
Vacant	104 Cowabbie Street	Lot 1 DP 592016
Hairdresser	102 Cowabbie Street	Lot 2 DP 592016
Craft Shop	100B Cowabbie Street	Lot A DP 374859
Craft Shop	98 Cowabbie Street	Lot 1 DP 717272
School of Arts	96 Cowabbie Street	Part Lot 4 Section 15 DP 758277
Royal Tavern	90 Cowabbie Street	Lot 5 Section 15 DP 758277

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

Description	Address	Lot and DP
Old Wool Store	125 Cowabbie Street	Lot B DP 332315
Old Wool Store	123 Cowabbie Street	Lot A DP 332315
Vacant, Real Est., Vacant	117-121 Cowabbie Street	Lot 10 DP 662482
Bakery, Newsagent, Vacant Block	115 Cowabbie Street	Lot 91 DP 790341
Cobbers Cafe	109 Cowabbie Street	Lot 92 DP 790341
Butcher	107 Cowabbie Street	Lot 1 DP 236175
Coolamon Confectionery	105 Cowabbie Street	Lot 2 DP 236175
Pharmacy	103 Cowabbie Street	Lot 3 DP 236175
Fruit and Veg	101 Cowabbie Street	Lot 1 DP 908058
Hardware	97 Cowabbie Street	Part Lot 8 Section 16 DP 758277
Coolamon Ag. Centre	95 Cowabbie Street	Lot 1 DP 929994
Vacant	93 Cowabbie Street	Lot 10 DP 866258
Wagga District Real Estate	91 Cowabbie Street	Lot 11 DP 866258
Supermarket	87 Cowabbie Street	Lot 1 DP 983895
Craft Shop	85 Cowabbie Street	Lot A DP 330492
Nursery	83 Cowabbie Street	Lot B DP 330492
Vacant	81 Cowabbie Street	Lot 6 DP 662480
Vacant Block	79 Cowabbie Street	Lot 1 DP 176660
Ganmain		
Royal Hotel	27 Waterview Street	Lot 14 Section 11 DP 758428
Ganmain Hotel	Cnr Lake and Ford Streets	Lot 1 DP 217741

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

Description	Address	Lot and DP
Presentation Convent	43 Langham Street	Lot 8 Section 19 DP 758428
St Brendans Catholic Church	43 Langham Street	Lot 9 Section 19 DP 758428
St Brendans Catholic Presbytery	43 Langham Street	Lot 10 Section 19 DP 758428
St Brendans Infants and Primary School	Langham Street	Lots 1–5, 10–14 Section 20 DP 758428
Uniting Church	51–53 Langham Street	Lot 6 Section 19 DP 758428
Old Red Cross Building	Ford Street	Lot A DP 365239
Coolamon Shire Council (vacant)	Ford Street	Lot B DP 365239
Garage	Ford Street	Lot 1 DP 302890, Lot 1 DP 356889, Lot 16 DP 662665
Senior Citizens Rooms	Ford Street	Lot 1 DP 20220
	77–79 Ford Street	Lot 2 DP 20220
	Ford Street	Lot 3 DP 20220
	85 Ford Street	Lot 4 DP 20220
	Ford Street	Lot 5 DP 20220
	91 Ford Street	Lot 13 Section 35 DP 758428
Post Office	Ford Street	Lot 1 DP 91841
Newsagent	Ford Street	Lot 1 DP 184488, Lot B DP 317457, Lot 1 DP 331395, Lot 11 DP 667723
Sweeneys	Ford Street	Lot 1 DP 319339, Lot 1 DP 324463

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Amendments

Schedule 1

Description	Address	Lot and DP
Bakery	105 Ford Street	Lot A DP 317457, Lot 1–2 DP 726592
Old Bank of New South Wales	Ford Street	Part Lots 9 and 10 Section 35 DP 758428
Ganmain Hall	Ford Street	Lot 2 DP 217741
Rural Transaction Centre	Ford Street	Lot 7 DP 3786
Solicitors	Ford Street	Part Lot 8 DP 3786
Kellys	Ford Street	Part Lot 8 DP 3786
Ganmain Literary Society	80 Ford Street	Lot 9 DP 3786
Kellys	Ford Street	Lot 1 DP 539212
Kellys	Ford Street	Lot 2 DP 539212
Meakers Store	Waterview Street	Lot 13 Section 11 DP 758428
Residence	46 Waterview Street	Lot 3 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 DP 229322
Old Butchery	38 Waterview Street	Lot 1 DP 229322
Vacant	26–28 Langham Street	Lot 3 Section 11 DP 758428
Matong		
Farmers Home Hotel	Cnr Matong and Deepwater Streets	Lots 4 and 5 Section 6 DP 758657

Coolamon Local Environmental Plan 1995 (Amendment No 2)

Schedule 1 Amendments

Description	Address	Lot and DP
Marrar		
Dundee Motors	1-3 York Street	Lots 1 and 2 Section 3 DP 758650
Vacant	5 York Street	Lot 2 DP 614164
Marrar Ag Centre	7 York Street	Lot 1 Section 3 DP 614164
Lalic Automotive	9 York Street	Lot 2 DP 112691
Marrar Hotel	11-13 York Street	Lot 1 DP 112691, Lot 1 DP 186712



Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

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*. (W03/00085/S69)

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

Clause 1 Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)*.

2 Aims of plan

The aims of this plan are:

- (a) to update heritage conservation controls in the *Eurobodalla Rural Local Environmental Plan 1987* so that they are consistent with the standard heritage provisions prepared by the NSW Heritage Office, and
- (b) to include additional heritage items in that plan that were identified in the Eurobodalla Shire Heritage Inventory and the Eurobodalla Shire-wide Heritage Study conducted in 1997, and
- (c) to list specific heritage items within the Tilba Conservation Area under the *Eurobodalla Rural Local Environmental Plan 1997*, and
- (d) to transfer certain heritage items from the *Eurobodalla Rural Local Environmental Plan 1987* to the *Eurobodalla Urban Local Environment Plan 1999*, and
- (e) to correct property descriptions for certain heritage items listed in the *Eurobodalla Urban Local Environmental Plan 1999*, and
- (f) to include an additional heritage item in the *Eurobodalla Urban Local Environmental Plan 1999*.

3 Land to which plan applies

- (1) The amendments made by Schedule 1 to this plan apply to all land to which *Eurobodalla Rural Local Environmental Plan 1987* applies.

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Clause 4

-
- (2) The amendments made by Schedule 2 to this plan apply to certain land to which *Eurobodalla Urban Local Environmental Plan 1999* applies, being the land described in Schedule 2.

4 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Eurobodalla Rural Local Environmental Plan 1987 is amended as set out in Schedule 1.

5 Amendment of Eurobodalla Urban Local Environmental Plan 1999

Eurobodalla Urban Local Environmental Plan 1999 is amended as set out in Schedule 2.

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

(Clause 4)

[1] Clause 9 Interpretation

Omit the definitions of *conservation area*, *item of environmental heritage* and *relic* from clause 9 (1).

[2] Clause 9 (1)

Insert in alphabetical order:

archaeological site means 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 conservation area means an area of land that is shown edged with blue broken lines on the map and 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.

heritage item means a building, work, archaeological site or place described in Schedule 1.

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

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

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.

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 more contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in Schedule 1 and described in that Schedule as a potential archaeological site, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

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.

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 Eurobodalla Shire and that is a fixture or is wholly or partly within the ground, or

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the Eurobodalla Shire.

[3] Clauses 25–28D

Omit clauses 25–28. Insert instead:

25 Objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of Eurobodalla Shire, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout Eurobodalla Shire retain their heritage significance.

26 Protection of heritage items and heritage conservation areas

(1) When is consent required?

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

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

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

-
- (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

(2) **What exceptions are there?**

Development consent is not required by this clause if:

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

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

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

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

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

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

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

The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a *conservation management plan*, if it considers the development proposed should be assessed with regard to such a plan.

(6) The minimum number of issues that must be addressed by the heritage impact statement are:

(a) for development that would affect a *heritage item*:

- (i) the heritage significance of the item as part of the environmental heritage of Eurobodalla Shire, 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

(b) for development that would be carried out in a *heritage conservation area*:

- (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
- (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
- (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

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

27 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause 28D.

28 Notice of demolition to the Heritage Council

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.

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

28A Development affecting places or sites of known or potential Aboriginal heritage significance

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

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such 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.

28B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

- (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.

28C Development in the vicinity of a heritage item

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

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

28D Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not 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.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1

(Clause 9 (1))

Item No	Description	Location
Belowra		
1	Sutherland Babies' Grave	Lot 96, DP 752128, 3070 Belowra Road
Benandarah		
Remains and relics of Benandarah village and associated saw milling operations:		
1	Timber barn	Lot 5, DP 872584, 19 Durras Drive

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
2	East Lynne tram line	As shown in Eurobodalla Shire Council Heritage Inventory 1997, Reference No BEND/R002, topographic map Nelligen 8926-4-S
3	Guy's sawmill	Lot 50, DP 592940, 22 Lookout Road and Lot 4, DP 872584, 19 Durras Drive
4	Paddle wheel punt	Bartleys Arm, Durras Lake, adjacent Lot 755904, Princes Highway
5	Cricket pitch	Part Lot 23, DP 755904, Princes Highway
6	Hall/former school	Lot 1, DP 657300, 2 Lookout Road
7	Francis Guy's residence	Lot 4, DP 872584, 19 Durras Drive
8	Backhouses' mill	Part Lot 23, DP 755904, Princes Highway
9	Residences associated with Backhouses's mill	Part Lot 23, DP 755904 and DP 755933, Princes Highway
10	Former Durras Road	DP 755904 and Lot 1, DP 126113, Princes Highway and Lot 50, DP 592940, 22 Lookout Road and Lot 4, DP 872584, 19 Durras Drive

Bendethera Valley

1	Stone bakery oven	Lot 1, DP 752159, Map reference 247560E, 6017860N, AMG Snowball 8826-111-S
2	George family member's grave	Lot 1, DP 752159, Map reference 247760E, 6017960N, AMG Snowball 8826-111-S

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
3	Water race	Lot 1, DP 752159, Map reference 247560E, 6017920N, AMG Snowball 8826-111-S
4	Bridle track network	Lot 1, DP 752159, as shown in ESC Heritage Inventory 1997, Reference No BEND/R002, topographic map Snowball 8826-111-S
Bergalia		
1	Former cheese factory	Lot 1, DP 945498, Bergalia Link Road
2	Bergalia general store	Lot 1, DP 159477, 58 Bergalia Link Road
3	War memorial	Road reserve, corner of Beashells Lane and Bergalia Link Road
4	Lakeview Homestead, including outbuildings and manager's cottage	Lot 84, DP 736505, 120 Bingie Road, Bergalia
Bimbimbie		
1	Kelly's gold mine	Map reference 237800E, 6032000N, AMG Mogo 8926-3-N
Bingie Bingie		
1	"Bingie Farm"	Lot 216, DP 752137, 660 Bingie Road
2	Bingie Bingie (Kelly's) Point, including the wreck of SS Monaro	Approximately 4 hectares of land comprising Part Lot 215, DP 752137, Bingie Road and adjoining exposed headland above mean sea level (Refer to Register of the National Estate Database No 000992)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
Bodalla		
1	Home Farm cheese factory	Lot 1, DP 520313, 149 Eurobodalla Road
2	Heffernan's Hill residence	Lot 3, DP 794098, 142–157 Eurobodalla Road
3	Old Trunketabella cheese factory	Lot 7, DP 835139, 15 Princes Highway
4	Deraquin house site	Lot 163, DP 752131, Wagonga Scenic Drive
5	Old Comerang cow bails	Lot 21, DP 12672, 294 Comerang Farm Road
6	Bodalla Church of England cemetery	DP 752131, Eurobodalla Road, Parish of Bodalla
7	Old Riverview cow bails	Lot 6, DP 752132, Redex Road
Broulee		
1	Aboriginal canoe tree	Lot 70, DP 831111, George Bass Drive
2	Wreck of the John Penn	Broulee Bay, Map reference 245600E, 6028300N, AMG Mogo 8926-III-N
3	Mount Oldrey homestead site	Lot 3, DP 1013077, 207 Broulee Road
Buckenboursa		
1	Browne's hut and stockyard memorial	Lot 13, DP 777171, 1188–1190 Buckenboursa Road
2	Heinrich Thomsen's grave	Lot 66, DP 755969, Quartpot Road

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
3	Corn trail	Lot 14, DP 755951, Kings Highway
Cadgee/Tinpot		
1	Byrnes, Bate and Tarlington stock routes	As shown in ESC Heritage Inventory 1997 Reference No OTHE/R001, topographic maps Nerrigundah 8825-1-N and Cadgee 8825-1-S
2	River cutting	Map reference 748720E, 6011140N, AMG Nerrigundah 8825-1-N
3	Port Phillip Neddie's grave	Lot 76, DP 752145, Wattlegrove Road
4	Kings battery	Map reference 752640E, 5995520N, AMG Cadgee 8825-1-S
Coila		
1	Red washed grain silo	Lot 5, DP 263981, Neil Davis Reserve, Princes Highway
2	Presbyterian church	Lot 96, DP 758259, 4017 Princes Highway
Congo		
1	Maria Thompson's grave	DP 752151, Parish of Moruya, Congo Road
Corunna/Corunna Point		
1	Cemetery and church site	Lot 290, DP 752155, Old Highway
Couria Creek		
1	Former post office	Lot 1, DP 128676, 9067 Princes Highway

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
2	Southam graves	Lot 2, DP 578862, 9069 Princes Highway
Currowan		
1	Ship building site	Lot 29, DP 755930, 560 The River Road
2	Starch factory site	Lot 7, Section 14, DP 758328, The River Road
Dignams Creek		
1	Former post office	Lot 369, DP 752155, 9473 Princes Highway
2	Bottin family graves	Lot 40, DP 752145, 1071 Reedy Creek Road
Durras		
1	Myrtle Beach-Wasp Head geological site	Approximately 20 hectares of land between Mill Beach and Myrtle Beach, comprising rock platforms and adjacent coastal cliffs to the low water mark (Refer to Register of the National Estate Database No 000999)
2	McMillan's sawmill, wharf and skids	foreshore adjoining and on Part Lot, DP 755904, Banyandah Street, at southern end of Mill Beach
Eurobodalla		
1	Former post office	Lot 9, DP 252742, 12-18 Waincourt Road
2	Graves, Charles Harpur and Son	DP 752145, Reserve 86934, Eurobodalla Road

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
3	Former school of arts	Lot 180, DP 771740, 1043 Eurobodalla Road
Kiora		
1	Kiora Homestead	Lot 1, DP 521895, 486 Araluen Road
2	Kiora cemetery	Lot 4, DP 192733, 478 Araluen Road
3	Coman family graves	Lot 1, DP 250960, 126 Wamban Road
4	Former cheese factory	Lot 1, DP 607096, 495–497 Araluen Road
Malua Bay		
1	Rose Bud farmhouse	Lot 6, DP 855167, 520 Dunns Creek Road
Mogo		
1	Public school and teacher's residence	Lot 63, DP 755902, 64–72 Sydney Street
2	Mogo cemetery	Lot 7039, DP 1020364, Princes Highway
3	Residence/former gold counting house	Lot 1, DP 124928, 874 Princes Highway
Moruya		
1	Francis Hill gold mine	DP 752151, Parish of Moruya, Wamban Road
2	Donkey Hill gold mine	Lot 33, DP 752129, Dwyers Creek Road

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
3	Hunt's gold mine and battery	Lot 312, DP 47662, Dwyers Creek Road
Moruya Heads		
1	Toragy Point cemetery	Lot 300A, DP 752151, Elizabeth Street
2	Old pilot station and mast of the Trident	Lot 424, DP 44312, 2 Elizabeth Street
3	Wharf remnant, mooring ring and seawall	DP 752151, Parish of Moruya, Elizabeth Street
4	Louttit's quarry, wharf and roadway	Lot 117, DP 752151, South Head Road
5	Spike tree	Lot 120, DP 752151, South Head Road
6	Shipyard site	Moruya River, Map reference 240700E, 6021960N, AMG Moruya 8926-3-S
Moruya North		
1	Former Sunnybank house	Lot 61, DP 1014094, Princes Highway
2	Shannon View	Lot 1, DP 950539, 21 Larry's Mountain Road
3	Glenduart cemetery	Lot 21, DP 246754, Maclean Place Reserve
4	Moruya quarry, site and structures	Lot 8, DP 904847, Lots 1 and 2, DP 595315, North Head Drive, Part Reserve 1001007
5	Granitetown cottage	Lot 12, DP 599653, 297 North Head Drive

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
6	Remains of Granitetown, comprising 11 stone hearths, floor stumps and building debris	Moruya Quarry, Map reference 239500E, 6022900N, AMG Moruya 8926-3-S
7	Moruya Airport World War II installations	Lot 1, DP 832943, North Head Drive, and Lot 49, DP 1016474 and Lot 10, DP 771575, Donnelly Drive
8	Former bakery	Lots 2, 3 and 4, DP 211794, 8-12 North Head Drive
9	Wreck of sand barge	Malabar Creek, Map reference 238800E, 6022800N, AMG Moruya 8926-3-S

Mystery Bay

1	Corunna recreation ground and velodrome	Lot 306, DP 752155, Mystery Bay Road
---	---	--------------------------------------

Narooma

1	Ruins of Thomas Forster's residence	Lot 1, DP 742463, 175 Old Highway
2	St Phillips cemetery	Lot 399, DP 752155, Wagonga Scenic Drive
3	Lucky Old Chief and Royal Oak mines	Lot 174, DP 752162, Rifle Range Road, Map reference 239700E, 5989460N, AMG Narooma 8925-4-S
4	Wagonga wharf site	Lot 7012, DP 752162, Part Reserve 52679, Wagonga Scenic Drive, Brices Bay
5	Wagonga cemetery	Lot 1, DP 725543 and Lot 32, DP 752162, Crown Reserve 43416, Wagonga Scenic Drive, Brices Bay

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
6	Log ramps (skids), Wagonga Inlet	Barlows Bay, 239060E, 5988840N, Fosters Bay, 240410E, 5986570N, Hobbs Point, 237000E, 5986770N, Wagonga Forest Reserve, 235820E, 5988570N, AMG Narooma 8925-4-S
Nelligen		
1	Cemetery	Lots 1–7, DP 34654, Runnyford Road
2	Old Bolaro Road	Map reference 229300E, 6050600N, AMG Nelligen 8926-4-S
Nerrigundah		
1	Original cemetery	Lot 1, Section 6, DP 758765, Byrnes Street
2	Cemetery	DP 752156, 823 Nerrigundah Mountain Road
3	Constable Miles O’Grady monument	Road reserve, junction of Moruya and Gulph Streets
4	William Fletcher grave	Lot 12, Sections 6 and 7, DP 758765, Belowra Road
5	Water race	Lot 4, DP 752147, Gulph Creek Road
6	Chinese oven	Lot 40, DP 752156, 2813 Eurobodalla Road
7	Comans mine	Map reference 758160E, 6001940N, AMG Nerrigundah 8825-1-N
8	Ruins of Gulph Creek dredge	Map reference 762380E, 5996480N, AMG Cadgee 8825-1-S

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
9	Catholic church	Lot 1, DP 917501, 6 Byrnes Street
10	Pollock's general store	Lot 5, Section 3, DP 758765, 6-8 Gulph Street
11	Residence	Lot 1, Section 10, DP 758765, 9 William Street
12	Concrete dam	Map reference 758040E, 6002040N, AMG Nerrigundah 8825-1-N
Runnyford		
1	Runnyford Homestead	Part Lot 132, DP 755969, 1183 Runnyford Road
2	May's Landing/Wray's wharf site	Lot 7001, DP 1020736 Crown Reserve 23697, Mays Road
3	Convict road	Map reference 235600E, 6042880N, AMG Nelligen 8926-4-S
Tilba district		
1	"Sherringham" farmhouse and silos	Lot 4, DP 583678, 198-244 Sherringham Lane
2	"Henkley" homestead and farm buildings	Lot 435, DP 752155, Haxstead Road
3	Former Henkley dam	Lot 3, DP 805256, 58 Sherringham Lane
4	W E Secombe grave	Lot 435, DP 752155, Haxstead Road
5	"Haxstead" homestead and silo	Lot 8, DP 852736, 131-133 Haxstead Road
6	Lake View gold mine	Lot 2171, DP 600164, Haxstead Road

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
7	Albert Read's grave	Lot 46, DP 752155, Haxstead Road
8	"Lustleigh Park" farmhouse	Lot 231, DP 752155, Haxstead Road
9	Tilba Tilba district cemetery	Lot 7051, DP 1052698, Part Reserve 79882, Haxstead Road
10	Merriwingah recreation ground	Lot 7056, DP 1020203, Reserve 580068, Youngs Road
11	Former cheese factory	Lot 1, DP 521590, 8731 Princes Highway
12	"Glen Luna" residence	Part Lot 14, DP 752155, 8727-8729 Princes Highway
13	Mountain Valley farm cottage	Part Lot 14, DP 752155, 8727-8729 Princes Highway
14	John Young family vault	Lot 61, DP 752155, Bermagui Road
15	Methodist Church	Lot 2, DP 548985, 32 Corkhill Drive
16	Mount Dromedary water supply reservoir	DP 752155, Parish of Narooma, Map reference 233780E, 5979920N, AMG Central Tilba 8925-3-N
17	Residence/former Post Office	Lot 2, DP 614884, 263 Corkhill Drive
18	Residence/former Tilba Tilba Hotel, Milton's Hotel	Lot 1 DP 614884, 265 Corkhill Drive
19	Kitty's House	Lot 13, DP 790759 and Lot 4, Section 3, DP 3351, 267 Corkhill Drive
20	Greengables and former Temperance Hall	Lot 1, DP 814522, 269 Corkhill Drive

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 1 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Item No	Description	Location
21	Former Agricultural Showground Hall	Part Lot 14, DP 752155, 8727–8729 Princes Highway
22	Foxglove Spires residence and garden	Lots 5–9, Section 2, DP 3351 and Lots 401 and 402, DP 830620, 282 Corkhill Drive
23	Residence/former butcher's shop	Lot 32, DP 701277, 272 Corkhill Drive
24	Residence/former Post Office	Lot 2, Section 2, DP 3351, 270 Corkhill Drive
25	Village store/former Tilba store	Lot 83, DP 627091, 264–268 Corkhill Drive
26	Residence/former stables	Lots 5–7, Section 1, DP 3351, 258 Corkhill Drive
27	Residence	Lots 1–4, Section 1, DP 3351, 254–256 Corkhill Drive
28	Central Tilba Primary School	Lot 1, DP 795357, 89 Corkhill Drive
29	Holy Trinity Church	Lots 87 and 88, DP 752155, 242 Corkhill Drive
30	Residence/former Court House	Lot 1, DP 843471, 49 Corkhill Drive
31	Residence/former Police House and doctor's residence	Lot 2, DP 843471, 47 Corkhill Drive
32	Mountain View homestead, farm buildings and garden	Lot 1, DP 406104, Lot 1, DP 720023, The Avenue and Lot 1, DP 1017506, Mount Dromedary Trail

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 1

Item No	Description	Location
33	Bellbrook farm buildings	Lot 16, DP 807992 and Lot 1, DP 591024, 106 Corkhill Drive
34	Marshmead farm house and buildings	Lot 111, DP 862831, 141 Corkhill Drive
35	Greenacres farm house	Lot 1, DP 191518, 229 Corkhill Drive
36	Marengo farm house	Lot B, DP 940888, Corkhill Drive
37	Yaringah farm houses	Lot G, DP 18411, 8456 Princes Highway and Lot H, DP 18411, 10 Corkhill Drive
38	Mount Pleasant farm buildings	Lot 1, DP 1042076, 46 Punkalla Tilba Road
39	Glenrock farm house and buildings	Lots A and B, DP 33792, 123–125 Punkalla Tilba Road
40	Slaughter yards	Lot 14, DP 706210, 94 Punkalla Tilba Road
41	Chinese drystone wall	Lot 1, DP 1017506, Mount Dromedary Trail and Lot 2, DP 1017506, Corkhill Drive
42	Monzonite quarries	Lots 2 and 3, DP 626641, 37 and 57 Punkalla Tilba Road
Tuross Head		
1	Kyla Park Farm remnants	Lot 8, DP 259656, 8 Hawdons Cove
2	Kyla Park grazing lands	Lots 75–79, DP 260321, Hector McWilliam Drive

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Schedule 2 Amendment of Eurobodalla Urban Local Environmental Plan 1999

Schedule 2 Amendment of Eurobodalla Urban Local Environmental Plan 1999

(Clause 5)

[1] Clause 75 What are heritage items and archaeological sites or potential archaeological sites?

Insert at the end of the matter relating to Batemans Bay:

7	Description: Location:	Coal bunker wharf Lot 7030, DP 755902, Clyde Street and adjacent to Clyde River
8	Description: Location:	The boatshed and jetty Lot 300, DP 755902, 1c Clyde Street and adjacent to Clyde River

[2] Clause 75

Insert before the matter relating to Tomakin:

South Durras

1	Description: Location:	Beagle Bay boat ramp foreshore adjoining Part Lot, DP 755904, Banyandah Street, at southern end of Cookies Beach
2	Description: Location:	Durras Lake loading ramp Part Lot, DP 755904, Durras Lake Road

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31)

Amendment of Eurobodalla Urban Local Environmental Plan 1999

Schedule 2

[3] Clause 75

Omit item 18 of the matter relating to Moruya. Insert instead:

18	Description:	Residence/former cheese
	Location:	factory
		Lot 1, DP 1047608, 57
		Hawdon Street

[4] Clause 75

Omit item 37 of the matter relating to Moruya. Insert instead:

37	Description:	Shops/former Garnet
	Location:	Chewing building
		Lots 7 and 8,
		DP 1003486, 70–72
		Vulcan Street



Hastings Local Environmental Plan 2001 (Amendment No 30)

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*. (G03/00114/S69; E.350.10.338)

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

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 30)

Hastings Local Environmental Plan 2001 (Amendment No 30)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 30)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Zone 1 (a1) Rural and partly Zone 1 (a3) Rural Agricultural Protection to Zone 2 (a1) Residential under *Hastings Local Environmental Plan 2001*.

3 Land to which plan applies

This plan applies to Lot 79, DP 655658 and Lot 1, DP 122192, Batar Creek Road, Kendall, as shown coloured light scarlet and lettered "2 (a1)" on the map marked "Hastings Local Environmental Plan 2001 (Amendment No 30)" deposited in the office of Hastings Council.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 30)



Hastings Local Environmental Plan 2001 (Amendment No 38)

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*. (G04/00058/PC; E.350.10.342)

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

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 38)

Hastings Local Environmental Plan 2001 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 38)*.

2 Aims of plan

This plan aims to allow, with the consent of Hastings Council, the subdivision of the land to which this plan applies into 2 allotments with areas less than is permissible within Zone 1 (a1) Rural under *Hastings Local Environmental Plan 2001*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Hastings, being Lot 7 DP 247763, 85 Kenwood Drive, Lake Cathie, as shown edged heavy black and with a vertical stipple on the map marked "Hastings Local Environmental Plan 2001 (Amendment No 38)" deposited in the office of Hastings Council.

4 Amendment of Hastings Local Environmental Plan 2001

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

Hastings Local Environmental Plan 2001 (Amendment No 38)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 Development of specific sites

Insert at the end of the Schedule under the headings “**Land**”, “**Additional development permitted**” and “**Conditions**”, respectively:

<p>Lot 7 DP 247763, 85 Kenwood Drive, Lake Cathie</p>	<p>Subdivision into 2 allotments</p>	<p>One of the allotments so created is to include the site of a child care centre existing at the date of commencement of <i>Hastings Local Environmental Plan 2001 (Amendment No 38)</i>. Development consent may only be granted within 2 years from the date on which <i>Hastings Local Environmental Plan 2001 (Amendment No 38)</i> was published in the Gazette.</p>
---	--	--

[2] Schedule 6 Zones and zoning map amendments

Insert in appropriate order in Part 2 of the Schedule:

Hastings Local Environmental Plan 2001 (Amendment No 38)



Hurstville Local Environmental Plan 1994 (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*. (S03/01669/S69)

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

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 43)

Hurstville Local Environmental Plan 1994 (Amendment No 43)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 43)*.

2 Aims of plan

This plan aims to establish standards to be complied with in relation to the provision of seniors housing within the Hurstville local government area.

3 Land to which plan applies

This plan applies to the whole of the land to which *Hurstville Local Environmental Plan 1994* applies.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hurstville Local Environmental Plan 1994 (Amendment No 43)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] **Clause 5 Interpretation**

Omit the definition of *housing for aged or disabled persons* from clause 5 (1).

[2] **Clause 5 (1), definitions of “permanent group home” and “transitional group home”**

Omit “but does not include a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.” wherever occurring.

[3] **Clause 6A**

Insert after clause 6:

6A Transitional provisions for certain development applications

The amendments to this plan made by *Hurstville Local Environmental Plan 1994 (Amendment No 43)* do not apply to development the subject of a development application that had been made, but had not been finally determined, before the commencement of those amendments.

[4] **Part 2, Table**

Omit “; housing for aged or disabled persons” from item 2 (Only with development consent) of the matter relating to Zone No 2.

[5] **Part 2, Table**

Omit “; housing for aged or disabled persons” wherever occurring in item 3 (Prohibited) of the matter relating to Zone Nos 3 (a), 3 (c), 4 and 5 (b).

[6] **Clause 11AA**

Insert after clause 11A:

11AA Multiple dwellings for seniors and people with a disability

- (1) This clause applies to development carried out on land within Zone No 2 for the purposes of multiple dwellings for occupation by seniors or people with a disability (*seniors housing*).
- (2) The minimum allotment size for the erection of seniors housing is 1,500 square metres, and the allotment must have a width of at least 15 metres.

Hurstville Local Environmental Plan 1994 (Amendment No 43)

Schedule 1 Amendments

-
- (3) The average floor space of the dwellings in any seniors housing must be:
- (a) if the seniors housing is situated in a foreshore scenic protection area, at least 435 square metres, or
 - (b) in any other case, at least 275 square metres.
- (4) Before granting consent to development for the purposes of seniors housing, the council must be satisfied, by written evidence, that there is reasonable access between the proposed development and the following services and facilities:
- (a) shops, banks and other retail and commercial services that residents may reasonably require,
 - (b) community services and recreation facilities,
 - (c) the premises of a general medical practitioner's practice.
- (5) For the purposes of subclause (4), there is reasonable access between the proposed development and any such service or facility if:
- (a) the facility or service is less than 400 metres' walking distance from the site of the proposed development, or
 - (b) a bus, train or other transport service will be available to take prospective residents of the proposed development to and from the place where the facility or service is situated, being a transport service:
 - (i) that picks up and sets down passengers at a location within 400 metres' walking distance of the site of the proposed development, and
 - (ii) that picks up and sets down passengers at a location within 400 metres' walking distance of the facility or service, and
 - (iii) that is available to take passengers to and from the the place where the facility or service is situated during daylight hours at least once a day from Monday to Friday (both days inclusive).
- (6) Development for the purposes of seniors housing may be carried out for the accommodation of the following only:
- (a) seniors or people with a disability,
 - (b) people who live within the same household as seniors or people with a disability,
 - (c) staff employed to assist in the administration or provision of services to people living in seniors housing.

Hurstville Local Environmental Plan 1994 (Amendment No 43)

Amendments

Schedule 1

-
- (7) The council must not consent to development for the purposes of seniors housing unless the consent is made subject to a condition to the effect that the only people who may occupy the seniors housing are people of the kind referred to in subclause (6).
- (8) In this clause:
people with a disability means people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life.
seniors means people aged 55 years or more.



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 54)

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*. (S04/01053/S69)

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

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 54)

Hurstville Local Environmental Plan 1994 (Amendment No 54)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 54)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 5 (a) (the General Special Uses Zone) to Zone No 4 (the Light Industrial Zone) under *Hurstville Local Environmental Plan 1994* to enable redevelopment of the site and zoning consistent with adjoining land.

3 Land to which plan applies

This plan applies to land within the City of Hurstville, being Lot 81, DP 15552 and known as 50D Anderson Road, Mortdale, as shown coloured light purple and edged heavy black on the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 54)” deposited in the office of the Council of the City of Hurstville.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Hurstville Local Environmental Plan 1994 (Amendment No 54)



Kogarah Local Environmental Plan 1998 (Amendment No 42)

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*. (S03/03057/S69)

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

Clause 1 Kogarah Local Environmental Plan 1998 (Amendment No 42)

Kogarah Local Environmental Plan 1998 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 42)*.

2 Aim of plan

The aim of this plan is to protect the visual and environmental quality of the foreshore and waterfront by prohibiting development for the purpose of dual occupancies and restricting development for the purpose of certain multi-unit housing in those parts of the foreshore scenic protection area and the waterfront scenic protection area within the Residential 2 (a)—Residential (Low Density) Zone under *Kogarah Local Environmental Plan 1998*.

3 Land to which plan applies

This plan applies to all land in those parts of the foreshore scenic protection area and the waterfront scenic protection area within the Residential 2 (a)—Residential (Low Density) Zone under *Kogarah Local Environmental Plan 1998*.

4 Amendment of Kogarah Local Environmental Plan 1998

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

Kogarah Local Environmental Plan 1998 (Amendment No 42)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Zoning control table

Insert “(except within the foreshore scenic protection area or the waterfront scenic protection area)” after “attached dual occupancies” in item 3 (Only with development consent) for the Residential 2 (a)—Residential (Low Density) Zone in the Zoning control table to the clause.

[2] Clause 22A Development in Residential 2 (a) Zone

Insert “(except within the foreshore scenic protection area or the waterfront scenic protection area)” after “within the Residential 2 (a) Zone” in clause 22A (8).

[3] Clause 22A (10)

Insert “(except within the foreshore scenic protection area or the waterfront scenic protection area)” after “within the Residential 2 (a) Zone” in clause 22A (10).



Liverpool Local Environmental Plan 1997 (Amendment No 56)

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*. (P01/00131/S69)

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

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 56)

Liverpool Local Environmental Plan 1997 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 56)*.

2 Aims of plan

This plan aims to amend the definition of **Rural industry** in *Liverpool Local Environmental Plan 1997* to allow for the regular servicing or repairing of motor vehicles which are used for the purpose of agriculture, aquaculture or a business activity involving the handling, treating, processing or packing of primary products.

3 Land to which plan applies

This plan applies to all land within the City of Liverpool under *Liverpool Local Environmental Plan 1997*.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by omitting paragraph (b) from the definition of **Rural industry** in clause 6 (1) and by inserting instead the following paragraph:

- (b) regular servicing or repairing of plant, equipment or motor vehicles used for the purpose of agriculture, aquaculture or a business activity referred to in paragraph (a).



Maitland Local Environmental Plan 1993 (Amendment No 74)

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*. (N04/00035/PC)

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

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 74)

Maitland Local Environmental Plan 1993 (Amendment No 74)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 74)*.

2 Aims of plan

The aims of this plan are:

- (a) to create a new zone, namely Zone 1 (d) Rural Residential, under *Maitland Local Environmental Plan 1993* to provide opportunities for rural living and to provide a transition zone between rural zones and areas of closer settlement with urban services, and
- (b) to rezone certain land at Largs from Zone 1 (a) Prime Rural Land to Zone 1 (d) Rural Residential under *Maitland Local Environmental Plan 1993*, being so much of Lot 1, DP 778266, Lot 1, DP 1033332 and Lot 1, DP 1032210, as is shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 74)" deposited in the office of the Council of the City of Maitland.

3 Land to which plan applies

This plan applies to all land to which *Maitland Local Environmental Plan 1993* applies.

4 Amendment of Maitland Local Environmental Plan 1993

Maitland Local Environmental Plan 1993 is amended as set out in Schedule 1.

Maitland Local Environmental Plan 1993 (Amendment No 74)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 How are terms defined in this plan?

Insert in appropriate order in the definition of *The map* in clause 5 (1):

Maitland Local Environmental Plan 1993 (Amendment No 74)

[2] Clause 8 What subdivision controls apply?

Omit “Zone 1 (a), (b) or (c)” from the note to clause 8.

Insert instead “Zone 1 (a), (b), (c) or (d)”.

[3] Clause 9 What zones apply in this plan?

Insert in appropriate order:

1 (d) Rural Residential

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

Insert in appropriate order in the first paragraph of clause 10:

1 (d) Rural Residential

[5] Clause 10

Insert after the matter relating to Zone 1 (c) in the development control table to clause 10:

Zone 1 (d) Rural Residential

(1) Objectives of the zone

- (a) To encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose.
- (b) To ensure that the semi-rural character and environmental values of the locality are protected.
- (c) To encourage rural residential subdivision which does not create unreasonable and uneconomic demands for the provision or extension of services and facilities.
- (d) To enable a range of activities and land uses associated with the residential occupation of the land.

Maitland Local Environmental Plan 1993 (Amendment No 74)

Schedule 1 Amendments

(e) To prevent the establishment of traffic generating development along main and arterial roads.

(2) Description of the zone

The zone comprises land identified as being suitable for rural residential development and that is in proximity to a service centre.

(3) Development allowed without development consent

Bushfire Hazard Reduction; Home Based Child Care Establishment.

(4) Development allowed only with development consent

Agriculture; Bed and Breakfast Accommodation; Boarding House; Child Care Centre; Communications Facility; Community Centre; Community Facility; Dual Occupancy; Dwelling House; Education Establishment; Forestry; Home Activity; Public Building; Recreation Area; Road; Utility Undertaking; Wetlands Conservation.

(5) Development which is prohibited

Any development other than development included in Item 3 or 4.

[6] Clause 11 What are the minimum allotment sizes for rural land?

Insert at the end of the clause:

On land zoned 1 (d) 2000 m²

[7] Clause 12 Are smaller allotments permitted in Zone 1 (a), 1 (b), 1 (c) or 1 (d)?

Omit "Zone 1 (a), 1 (b) or 1 (c)".

Insert instead "Zone 1 (a), 1 (b), 1 (c) or 1 (d)".

Maitland Local Environmental Plan 1993 (Amendment No 74)

Amendments

Schedule 1

[8] Clause 13 What are the requirements with respect to the erection of dwelling houses in rural zones?

Omit “Zone 1 (a), 1 (b) or 1 (c)” from clause 13 (3).

Insert instead “Zone 1 (a), 1 (b), 1 (c) or 1 (d)”.

[9] Clause 15 What provisions apply to advertising in rural zones?

Omit “Zone 1 (a), 1 (b) or 1 (c)”.

Insert instead “Zone 1 (a), 1 (b), 1 (c) or 1 (d)”.



Parkes Local Environmental Plan 1990 (Amendment No 4)

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*. (S00/01676/PC)

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

Clause 1 Parkes Local Environmental Plan 1990 (Amendment No 4)

Parkes Local Environmental Plan 1990 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Parkes Local Environmental Plan 1990 (Amendment No 4)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide for 2 new zones to which land may be zoned under *Parkes Local Environmental Plan 1990* (the **principal plan**), being Zone No 4 (a) (Industrial “Hub” Zone) (which provides for an industrial area adjoining rail and road networks) and Zone No 6 (a) (Service Corridor Zone) (which facilitates the development of an arterial road network for heavy vehicles and regional traffic), and
- (b) to rezone certain land from Zone No 1 (a) (Rural “A” Zone) to Zone No 4 (a) or 6 (a) under the principal plan, and
- (c) to ensure that development around Zones Nos 4 (a) and 6 (a) is compatible with the use of those zones, and
- (d) to allow for the economic growth of the town of Parkes.

3 Land to which plan applies

- (1) To the extent to which this plan rezones land:
 - (a) from Zone No 1 (a) to Zone No 4 (a), it applies to the land shown edged heavy black and marked “4 (a)” on the map marked *Parkes Local Environmental Plan 1990 (Amendment No 4)* deposited in the office of Parkes Shire Council, and
 - (b) from Zone No 1 (a) to Zone No 6 (a), it applies to the land shown edged heavy black and marked “6 (a)” on that map.
- (2) Otherwise this plan applies to all land situated within the local government area of Parkes Shire Council.

Parkes Local Environmental Plan 1990 (Amendment No 4)

Clause 4

4 Amendment of Parkes Local Environmental Plan 1990

Parkes Local Environmental Plan 1990 is amended as set out in Schedule 1.

Parkes Local Environmental Plan 1990 (Amendment No 4)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Parkes Local Environmental Plan 1990 (Amendment No 4)

[2] Clause 8 Zones indicated on the map

Insert after the matter relating to Zone No 4:

Zone No 4 (a) (Industrial “Hub” Zone)—black edging and marked “4 (a)”.

[3] Clause 8

Insert after the matter relating to Zone No 6:

Zone No 6 (a) (Service Corridor Zone)—black edging and marked “6 (a)”.

[4] Clause 9 Zone objectives and development control table

Insert after Item 4 of the matter relating to Zone No 4 in the Table to clause 9:

Zone No 4 (a) (Industrial “Hub” Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to recognise the Parkes “Hub” as a special industrial enterprise area, specifically to nurture a multi-modal freight and transport interchange, and
- (b) to designate land for the accommodation of key industrial uses which are linked to the freight logistics industry, and
- (c) to encourage the growth of the freight logistics industry and capture consequent economic benefits for Parkes, and
- (d) to enable the continuation of agricultural land use within the zone.

Parkes Local Environmental Plan 1990 (Amendment No 4)

Amendments

Schedule 1

2 Without consent

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments).

3 Only with consent

Any purpose other than a purpose included in Item 2 or 4.

4 Prohibited

Boarding-houses; cemeteries; child care centres; churches; clubs; community centres; dwelling-houses; educational establishments; general stores; health care professionals; home industries; home occupations; hospitals; hotels; motels; motor showrooms; picnic grounds; places of public worship; reception establishments; recreation facilities; recreational establishments; retail plant nurseries; roadside stalls; shops; tourist facilities; units for aged persons; veterinary hospitals.

[5] Clause 9, Table

Insert after Item 4 of the matter relating to Zone No 6:

Zone No 6 (a) (Service Corridor Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to provide for the future construction of an arterial road network that efficiently links Parkes to other regions, and
- (b) to provide land for utility services, passive recreation and urban beautification works, and
- (c) to identify, protect and enhance habitat for flora and fauna and avoid negative impacts on adjoining natural areas.

2 Without consent

Works (other than buildings) for the purpose of landscaping, gardening or bushfire hazard reduction.

Parkes Local Environmental Plan 1990 (Amendment No 4)

Schedule 1 Amendments

3 Only with consent

Buildings for the purpose of landscaping, gardening or bushfire hazard reduction; forestry (other than ancillary dwellings and pine plantations); picnic grounds; purposes associated with roads; recreation areas; utility installations; any other purpose which in the opinion of the council is appropriately located in a service corridor zone.

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

[6] Clause 13 Subdivision of land within Zone No 1 (a)

Insert at the end of clause 13 (4) (d):

, and

- (e) the allotment will be located at least 1 kilometre from any land within Zone No 4 (a).

[7] Clause 15A

Insert after clause 15:

15A Development on land within Zone No 4 (a)

- (1) The consent authority must not consent to the erection of buildings or the carrying out of works on land within Zone No 4 (a) unless:
 - (a) it has approved a development control plan incorporating a structure plan for the land, and
 - (b) it has considered the following:
 - (i) any noise impacts likely to be generated by the development,
 - (ii) any air quality impacts likely to be generated by the development,
 - (iii) any impacts due to the need for night lighting and illumination,
 - (iv) a soil and water management plan for construction and post construction phases of the development,
 - (v) a waste management plan for the development,

Parkes Local Environmental Plan 1990 (Amendment No 4)

Amendments

Schedule 1

-
- (vi) the likely effects of the development on existing vegetation and opportunities for revegetation of suitable areas,
 - (vii) the need to protect items or sites of Aboriginal heritage significance (being items or sites of cultural significance to indigenous inhabitants of New South Wales),
 - (viii) the adequacy of utility services,
 - (ix) the relationship of the development to railway and road linkages.
- (2) The consent authority must not consent to the subdivision of land within Zone No 4 (a) unless satisfied that:
- (a) the subdivision is necessary for a purpose that directly facilitates the objectives of the Zone, and
 - (b) the proposed lot sizes are justified on the basis of achieving the objectives of the Zone.
- (3) In this clause:
- structure plan*** means a map or document (or both) that is adopted by the consent authority identifying land that is undeveloped or could potentially be redeveloped and that broadly describes the location or character (or both) of potential land use types, transport routes, infrastructure and services, open space and areas of environmental protection, constraints, hazards and the like.



Randwick Local Environmental Plan 1998 (Amendment No 28)

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*. (S02/00005/S69)

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

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 28)

Randwick Local Environmental Plan 1998 (Amendment No 28)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 28)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to amend provisions of *Randwick Local Environmental Plan 1998* as they relate to the City of Randwick,
- (b) to rezone land at 1430 Anzac Parade, Little Bay, being Lot 1, DP 1002512, for residential purposes, open space and environmental protection purposes,
- (c) to provide for high quality and affordable housing to meet a wide range of population needs,
- (d) to protect and conserve the natural and built heritage significance of the land,
- (e) to provide for related land uses including local shops and community facilities,
- (f) to provide for recreation opportunities and to facilitate the future coastal walk,
- (g) to protect and enhance environmentally sensitive areas and natural features within the site which contribute to the character of the land including, but not limited to, watercourses, riparian corridors, remnant native vegetation and habitat corridors between remnant native vegetation areas.

Randwick Local Environmental Plan 1998 (Amendment No 28)

Clause 3

3 Land to which plan applies

- (1) This plan applies to all land within the City of Randwick.
- (2) In so far as it rezones land, this plan applies to land known as the Prince Henry Hospital site, Anzac Parade, Little Bay, being land shown edged in heavy black on Sheet 1 of the map marked "Randwick Local Environmental Plan 1998 (Amendment No 28)", deposited in the office of Randwick City Council.
- (3) In so far as it relates to heritage items, heritage conservation areas, and known and potential archaeological sites, this plan applies to land shown edged in heavy black on Sheet 2 of the map marked "Randwick Local Environmental Plan 1998 (Amendment No 28)" deposited in the office of Randwick City Council.

4 Amendment of Randwick Local Environmental Plan 1998

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

Randwick Local Environmental Plan 1998 (Amendment No 28)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 12A Zone No 2D (Residential D—Comprehensive Development Zone)

Insert in alphabetical order in clause 12A (3):

Community facilities;

[2] Clause 18 Zone No 6A (Open Space Zone)

Insert at the end of clause 18 (1) (c):

, and

- (d) to identify and protect natural features that contribute to the character of the land, and
- (e) to enable the sustainable management of the land.

[3] Clause 35A Certain non-residential uses in Zone No 2D

Insert at the end of clause 35A (d):

, and

- (e) in relation to land shown edged in heavy black on Sheet 1 of the map marked “Randwick Local Environmental Plan 1998 (Amendment No 28)”, is limited to ground floor and first floor non-residential uses.

[4] Clause 40A Master plans

Insert after clause 40A (5) (p):

- (p1) identification, extent and management of water courses, wetlands and riparian lands, whether identified on the map or not,

[5] Clause 42E

Insert after clause 42D:

42E Development in, on, or adjacent to a watercourse or wetland

- (1) Despite any other provisions of this plan, the Council must not grant consent to development in, on, or adjacent to a watercourse or wetland identified on the map unless the Council is satisfied that:

Randwick Local Environmental Plan 1998 (Amendment No 28)

Amendments

Schedule 1

-
- (a) appropriate measures have been identified for ongoing protection, conservation and management of the watercourse or wetland and its riparian land over time, and
 - (b) the width of the riparian land maximises and enhances its potential to serve as a habitat corridor, and
 - (c) the riparian land retains and incorporates within it, wherever possible, existing areas of remnant native vegetation, and
 - (d) the provision of public access is to be located and designed to minimise disturbance to the habitat corridor and existing remnant native vegetation.
- (2) For a watercourse or wetland that is shown on the map:
- (a) as a category 2 watercourse or a category 2 wetland—land is taken to be part of the riparian land for that watercourse or wetland if it satisfies one or both of the following:
 - (i) the land is within 20 metres of the top of the bank of the watercourse or wetland,
 - (ii) the land contains remnant native vegetation that adjoins the watercourse or wetland, or
 - (b) as a category 3 watercourse or a category 3 wetland—land is taken to be part of the riparian land for that watercourse or wetland if the land is within 10 metres of the top of the bank of the watercourse or wetland.

[6] Clause 44 Development of known or potential archaeological sites

Insert “known or” after “development on a” in clause 44 (1) and (2) wherever occurring.

[7] Clause 44, purpose

Insert “known or” after “requirements for development involving”.

[8] Clause 46 Development in the vicinity of heritage items, heritage conservation areas and known or potential archaeological sites

Insert “known or” after “conservation area or a”.

[9] Clause 46

Omit “or potential”. Insert instead “or known or potential”.

Randwick Local Environmental Plan 1998 (Amendment No 28)

Schedule 1 Amendments

[10] Clause 46, purpose

Insert “known or” after “conservation areas and”.

[11] Clause 48 Conservation plans

Insert “known or” after “conservation area or”.

[12] Clause 48, purpose

Insert “known or” after “conservation area or a”.

[13] Clause 49 Definitions

Omit the definition of *potential archaeological site*.

Insert in alphabetical order:

ground level, in relation to land shown edged in heavy black on Sheet 1 of the map marked “Randwick Local Environmental Plan 1998 (Amendment No 28)”, means the ground level that exists after completion of the initial redevelopment earthworks and re-contouring of the site as determined by any development consent issued for the land.

known or potential archaeological site means a site identified in Schedule 4 or shown by distinctive shading on the map, and includes a site known to the Council to have archaeological potential even if it is not so identified and shown.

riparian land means any land which adjoins, directly influences, or is influenced by a body of water, such as a watercourse or wetland.

watercourse means a stream of water or channel marked on the map, whether perennial or intermittent or whether flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel and any branch or other stream into or from which any such stream flows, and in the case of a stream running to the sea or into a coastal bay or inlet or coastal lake, includes the estuary of the stream influenced by tidal waters.

Randwick Local Environmental Plan 1998 (Amendment No 28)

Amendments

Schedule 1

[14] Clause 49, definition of “the map”

Insert in appropriate order:

Randwick Local Environmental Plan 1998 (Amendment No 28)

[15] Clause 49, definition of “wall height”

Omit “that wall”. Insert instead “the site”.

[16] Schedule 3 Heritage items

Omit the matter relating to “Prince Henry Hospital, Anzac Parade, Little Bay”.

Insert in alphabetical and numerical order of street name and number:

1430 Anzac Parade, Little Bay	Prince Henry Site and Coast Hospital Heritage Conservation Area and their settings, significant built and landscape components, including:	24
	Historic precinct (comprising significant buildings, structures and landscape features such as ornamental plantings, retaining walls, kerbs and significant road alignments)	24A
	Coast Golf and Recreation Club clubhouse (former Coast Hospital steam laundry), 1900	24B
	Former Coast Hospital water tower, late 1920s	24C
	Entrance gates to the former CEO’s residence	24D
	The Dam	24E
	Former Male Lazaret site	24F
	Significant retaining walls associated with the former services area of the Coast Hospital	24G
	Significant road alignments (Lister Avenue, Coast Hospital Road and the Cemetery Road)	24H

Randwick Local Environmental Plan 1998 (Amendment No 28)

Schedule 1 Amendments

[17] **Schedule 4**

Omit the Schedule. Insert instead:

Schedule 4 Known or potential archaeological sites

(Clause 49)

Location	Description	Inventory No
Prince Henry Site, 1430 Anzac Parade, Little Bay	Aboriginal and non-Aboriginal sites	1



Tweed Local Environmental Plan 2000 (Amendment No 48)

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*. (G02/00039/PC)

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

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 48)

Tweed Local Environmental Plan 2000 (Amendment No 48)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 48)*.

2 Aims of plan

This plan aims to amend *Tweed Local Environmental Plan 2000*:

- (a) to impose conditions on the carrying out of development on the land to which this plan applies, the principal effect of which relates to stormwater management and proposed drainage requirements, and
- (b) to remove a condition applying to part of the land, the principal effect of which is that in future consent may be granted to development for residential purposes if the area of each allotment, or the site area per dwelling, is less than 1,200 square metres, and
- (c) to change an overlay marking shown on the zone map in respect of part of the land from diagonal hatching to a small crosses pattern so as to avoid confusion where two or more overlays apply to the same land.

3 Land to which plan applies

This plan applies to part of Lot 231, DP 1064717, part of Lot 61, DP 855459 and part of Lot 1, DP 1040120, Kellehers Road, Pottsville, as shown edged heavy black on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 48)" deposited in the office of Tweed Shire Council.

4 Amendment of Tweed Local Environmental Plan 2000

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

Tweed Local Environmental Plan 2000 (Amendment No 48)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 52 Zone map overlap provisions

Omit clause 52 (2). Insert instead:

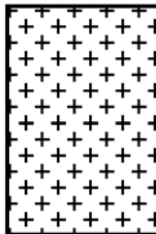
- (2) In relation to land shown on the zone map in any one or more of the manners indicated in Column 1 of the following Table, the corresponding provisions specified opposite in Column 2 apply.

[2] Clause 52, Table

Omit:



Insert instead:



[3] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2:

Tweed Local Environmental Plan 2000 (Amendment No 48)



Tweed Local Environmental Plan 2000 (Amendment No 56)

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*. (G04/00061/PC)

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

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 56)

Tweed Local Environmental Plan 2000 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 56)*.

2 Aims of plan

This plan aims to substitute the definition *bed and breakfast* in *Tweed Local Environmental Plan 2000* so as to clarify its meaning and to extend its application to all lawfully erected dwellings.

3 Land to which plan applies

This plan applies to all land in the local government area of Tweed under *Tweed Local Environmental Plan 2000*.

4 Amendment of Tweed Local Environmental Plan 2000

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

Tweed Local Environmental Plan 2000 (Amendment No 56)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 1 Meanings of terms

Omit the term *bed and breakfast*.

Insert instead under the headings “**Term**” and “**Meaning**”, respectively:

- bed and breakfast* the use of a lawfully erected dwelling, in addition to its use as a principal place of residence:
- (a) for the provision of short-term accommodation for persons other than its permanent residents, and
 - (b) for the provision, by its permanent residents, of meals and other services incidental to its use for the provision of short-term accommodation.



Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)

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*. (Q03/00072/PC)

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

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)

Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)*.

2 Aim of plan

This plan aims to rezone the land to which this plan applies from:

- (a) the 6 Open Space Zone and the 5 Special Uses Zone to the 3 Business Zone, and
- (b) the 3 Business Zone to the 5 Special Uses Zone, and
- (c) the 1 Rural, 2 Residential, 6 Open Space and 7 Environmental Protection Zones to the 1 Rural and 2 Residential Zones,

under the *Wagga Wagga Local Environmental Plan 1995*.

3 Land to which plan applies

This plan applies to land situated in the City of Wagga Wagga known as:

- (a) Part Lots 8, 10 and 11 DP 1045885, Stirling Boulevard, Tatton, and
- (b) Part Lot 33 DP 1014102 and Part Lot 998 DP 1049657, Plumpton Road, Tatton, and
- (c) Part Lots 10, 11, 12, 13, 14 DP 1040326, Atherton Crescent, Tatton,

as shown edged heavy black on the map marked "Wagga Wagga Local Environment Plan 1985 (Amendment No 53)" deposited in the office of the Council of the City of Wagga Wagga.

Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)

Clause 4

4 Amendment of Wagga Wagga Local Environmental Plan 1985

Wagga Wagga Local Environmental Plan 1985 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1):

Wagga Wagga Local Environmental Plan 1985 (Amendment No 53)



Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

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*. (W99/00171/S69)

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

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 115)*.

2 Aims of plan

The aims of this plan are:

- (a) to conserve the environmental heritage of Wingecarribee, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout Wingecarribee retain their heritage significance.

3 Land to which plan applies

This plan applies to all land situated in the Wingecarribee local government area, being land to which *Wingecarribee Local Environmental Plan 1989* applies.

4 Amendment of Wingecarribee Local Environmental Plan 1989

Wingecarribee Local Environmental Plan 1989 is amended as set out in Schedule 1.

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in clause 5 (1):

archaeological site means the site of one or more relics.

conservation management plan means a document prepared in accordance with the requirements of the 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 or archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or building, work, archaeological site, tree or place.

heritage conservation area means an area of land shown on the map distinctively edged with a heavy black broken line and designated “Anglewood Conservation Area”, “Berrima Conservation Area”, “Bowral Conservation Area”, “Bowral Landscape Conservation Area”, “Maltings Conservation Area” or “Mittagong Conservation Area”, and 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.

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 2, 3 or 4 and shown by a black triangle on the map, or

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

- (b) a place described as a place of Aboriginal heritage significance in the Aboriginal Heritage Information System maintained by the Department of Environment and Conservation.

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.

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 more contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in an inventory of heritage items available at the office of the council, described in the inventory as a potential archaeological site and shown on the map by a blue triangle, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

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

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

-
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

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 Wingecarribee 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 Wingecarribee.

[2] Clause 5 (3)

Insert after clause 5 (2):

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

[3] Clauses 27–31D

Omit clauses 27–31. Insert instead:

27 Protection of heritage items, heritage conservation areas and relics

(1) Where 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

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

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 which is within a heritage conservation area.

Note. Provisions relating to the conservation of the Joadja site are included in Part 5.

(2) **What exceptions are there?**

Development consent is not required by this clause if:

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

(3) Development consent is not required by this clause for the following development in a cemetery or a burial ground if there will be no disturbance of 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

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

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

The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers that a development proposed should be assessed with regard to such a plan.

(6) The minimum number of issues that must be addressed by the heritage impact statement are:

- (a) for development that would affect a *heritage item*:
 - (i) the heritage significance of the item as part of the environmental heritage of Wingecarribee, 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
- (b) for development that would be carried out in a *heritage conservation area*:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

-
- (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would have any effect on the historic subdivision pattern, and
 - (viii) issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

28 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 31B (conservation incentives).

29 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule 2, 3 or 4, 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.

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

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

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

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

31 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (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

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

(b) is integrated development.

31A Development in the vicinity of a heritage item

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

31B Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

-
- (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.

31C Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and the form of the roof (if any),
 - (b) the style, size, proportion and position of the openings for windows and doors (if any),
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

31D Bowral Landscape Conservation Area

A person must not carry out any development for the purposes of a hotel, motel or tourist facility on land shown distinctively edged with a heavy broken black line and designated "Bowral Landscape Conservation Area" on the map.

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

[4] Schedules 2, 3 and 4

Omit the Schedules. Insert instead:

Schedule 2 Heritage items

(Clauses 5 (1) and 29)

Item	Name	Address	Inventory No
Alpine			
House and Outbuildings	“Forest Lodge”	Hume Highway, Alpine Lot 1 DP 605509	2680616
Avon			
Dam	“Avon Dam”	Sydney Water Catchment Area, Avon	2680224
Berrima			
Cemetery	“Berrima Cemetery”	Berrima Road, Berrima Lots 1, 5 and 6 DP 758098	2680122 W10122
Cottage	“Glebe Cottage”	Hume Highway, Berrima Lot 1 DP 91525	2680177 W10177
Sandstone and timber cottage		Hume Highway, Berrima Lot 7 Sec 40	2680231 W10231
Slab house		Odessa Street, Berrima Lot 201	2680251 W10230
House and garden	“Mereworth”	Old Hume Highway, Berrima Lot 5 DP 703937, Lot 10 DP 703936, Lot 100 DP 839316, Lot 200 DP 839314	2680351

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Cottage	“Simon’s Cottage”	Old Mandemar Road, Berrima Portion 346 Parish of Berrima	2680127
House	“Taylor’s Farmhouse”	Old Mandemar Road, Berrima Portion 344, Parish of Berrima	2680126 W10126
Rectory		Corner of Quarry and Wingecarribee Streets, Berrima Lots 8, 9, 10, 11 and 12 DP 80581	2680105 W10105
Dam	“German Dam”	Wingecarribee River, Berrima	2680179 W10179
Bong Bong			
Inn	“The Briars”	Bowral—Moss Vale Road, Bong Bong Lot 9 SP 50905	2680153
Common	“Bong Bong Common”	Moss Vale—Bowral Road, Bong Bong Lot 91 DP 730831, Lot 5 DP 258446, Lot 42 DP 850568	2681191
Obelisk	“Bong Bong Obelisk”	Bowral—Moss Vale Road, Bong Bong Lot 91 DP 730831	2680221
Church	“Christ Church”	Cnr Church Street and Bowral—Moss Vale Road, Bong Bong Part Lot 14 DP 751253	2680163

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Bowral			
Church	Former "Roman Church"	Cnr Banyette Street and Argyle Lane, Bowral Lot 1 DP 785815	2680465 W10465
House		28 Bendooley Street, Bowral Lots 1 and 2 DP 995850 Lot 1 DP 155385	2680472 W10472
Church	"Bowral Uniting Church"	Bendooley Street, Bowral Lots 1 and 2 DP 995850 Lot 1 DP 155385	2680471 W10471
Park	"Corbett Gardens"	Bendooley Street, Bowral Lots 8, 9 and 10 DP 111234	2680529 W10473 W10529
Garden	"Walden"	91 Bendooley Street, Bowral Lots 50 and 51 DP 880942	2680516 W10516
Bank	"Commonwealth Bank"	294 Bong Bong Street, Bowral Lot 1 DP 68288	2680079 W100079
Ambulance Station		411 Bong Bong Street, Bowral Lot 2 DP 304903 Lots 2, 3 and 4 DP 214613	2680079 W10505
Cottage and grounds	"Bradman's Cottage"	20 Glebe Street, Bowral Lot 16 Sec E DP 11838	2680181
House and garden	"The Rift"	Carlisle Road, Bowral	2680334 2680078 W10078
House and garden	"Neerim"	24 Centennial Road, Bowral Lots 15, 16 and 17 DP 20797	2680535 2680536 W10535 W10536

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House and grounds	“Hopewood”	Centennial Road, Bowral Lot 6 DP 634539	2680240
Park	“Centennial Park”	Centennial Road, Bowral	2680538 W10538
House	“Lynthorpe”	17 Gladstone Road, Bowral Lots 1 and 2 DP 996892	2680077 W10077
Cottage		20 Glebe Street, Bowral Lot 16 Section E DP 11838	2680181 W10087
House	“Mount Hamilton”	Hamilton Street, Bowral Lot 8 DP 870156	2680076 W10076
House, grounds and outbuildings	“Milton Park”	Horderns Road, Bowral Lot 2 DP 264034, SP 32202, Lot 2 DP 740232, Lot 31 DP 792744, Lot 40 DP 777813	2680493 2680331 2680330 2680071 2680494 W10330
Tannery relic	“Skins Shed”	Kangaloon Road, Bowral Lot 3 DP 736856	2680229
House, grounds and outbuildings	“Wingecarribee”	Kirkham Street, Bowral Part Lot 1 DP 404276, Lot 4 DP 614505	2680333 2680332 2680075 W10333
Terraces	“Carter Terraces”	18–20 Merrigang Street, Bowral SP 49491	2680543 W10543
House	“Weston Green”	41 Merrigang Street, Bowral Lot A DP 368491	2680511 W10511

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
House	“Bidura”	139–145 Merrigang Street, Bowral Lot 9 DP 585581, Lots 1 and 3 DP 192732, Lots 52 and 54 Sec A DP 192732	2680166
Semi detached house	“Cooperdale”	98 Mittagong Road, Bowral Lot 1 DP 196994	2680339 W10339
Semi detached house	“Ben Nevis”	100 Mittagong Road, Bowral Lot 1 DP 196994	2680217 W10339
House	“Hazelton”	132 Mittagong Road, Bowral Lot 1 DP 867401	2680338 W10338
House	“Iverbucks”	Moss Vale Road, Bowral	2680180 W10180
House, grounds and outbuildings	“Retford Park”	Old South Road, Bowral Lot 422 DP 792719	2680496 2680495 2680152 W10495 W10496
House and garden	“Robin Wood”	Oxley Drive, Bowral	W10537
Quarries	“Mount Gibraltar Quarries”	Cnr Oxley Drive and King Street, Bowral Lots 24 and 26 DP 111222	2680154 W10154
High school and residence	“Bowral High School and Residence”	Cnr Park and Aitken Roads, Bowral Lot 1 DP 794075	2680503 W10503
House	“Earlsbrae”	15 Queen Street, Bowral Lot 1 DP 68028, Lot 1 DP 57490	2680074 W10074

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House	“Yarrow”	Railway Parade, Bowral Lot 1 DP 621947	2680524 W10524
House	“Glen Ridge”	Cnr Shepherd and Albert Streets, Bowral	2680167 W10167
Garden	“Buskers End”	St Clair Street, Bowral Lot 12 DP 551516	2680534 W10534
Museum collection and grandstand	“Bradman Museum Collection” and “Grandstand”	Glebe Park, St Jude Street, Bowral Lot 11 DP 787940	2680469 W10469
Oval	“Bradman Oval”	Glebe Park, St Jude Street, Bowral Lot 12 DP 747940	2680541 W10468
Cottage		52 Shepherd Street, Bowral Lot 1 DP 784321	2680213
House		89 Shepherd Street, Bowral Lot 1 DP 741811	2680069
House		54 Station Street, Bowral Lot 1 DP 195377	2680340
House	“Kurkulla”	Station Street, Bowral Lot 22 DP 787158	2680186 W10186
Railway tunnel	Original “Gib” Tunnel	Old section of the Main Southern Line between Mittagong and Bowral	2680185
Railway station		Station Street, Bowral	2680058 W10058

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Braemar			
House and outbuildings		Braemar Avenue, Braemar Lot 8 DP 261563	2680190
House, grounds and outbuildings	“Kamilaroi” (part of Braemar Garden World)	Old Hume Highway, Braemar Lot 117 DP 659149	2680190
House		Hume Highway, Braemar Lot 117 DP 659149	2680191
House, grounds and outbuildings	“Braemar Lodge”	Cnr Hume Highway and Braemar Avenue, Braemar Lot 8 DP 261563	2680190
Inn	“Poplars Restaurant”	Hume Highway, Braemar Lot 32 DP 550667, Lot 5 DP 248501	2680160
Bullio			
Rock tunnel	“Bullio Tunnel”	Wombeyan Caves Road, Bullio	2680597
Bundanoon			
Commercial building	“The Highlander” former Gasthof and Pill Factory	Cnr Anzac Parade and Penrose Road, Bundanoon Lot 1 DP 183174	2680584
Church	“Holy Trinity Anglican Church”	15–17 Church Street, Bundanoon Lot 119 DP 751289	2680365 2680038
Mine	“Erith Coal Mine”	Morton National Park, Bundanoon	2680454

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Railway station and yard group	“Bundanoon Railway Station”	Railway Parade, Bundanoon	2680583
Guest house	“TreeTops”	Railway Parade, Bundanoon Lot 1 DP 735674	2680585
Burradoo			
House	“San Michele”	Burradoo Road, Burradoo Lot 410 DP 580733	2680158 2680578
House, grounds and outbuildings	“Eridge Park”	Eridge Park Road, Burradoo Lot 1 DP 310807	2680155
House, grounds and outbuildings	“Cooliatta Farm”	Burradoo Road, Burradoo Lots B and C DP 89711 Lots 1 and 2 DP 162063, Lot 2 DP 873620	2680512
House and garden	“Wintersloe”	Cnr Burradoo and Links Roads, Burradoo Lot B DP 341429	2680182
House and garden	“Moidart”	Eridge Park Road, Burradoo Lot 1 DP 963540, Part Lot 41 DP 751282, Lot 1 DP 174985, Lot 1 DP 667017	2680241 2680347 2680348
House	“Links House”	Links Road, Burradoo Lot 30 DP 9084	2680527
House	“Chelsea Park”	589 Moss Vale Road, Burradoo Lot 5 DP 20004	2680526
House and garden	“Abergeldie”	Cnr Moss Vale and Burradoo Roads, Burradoo Lot 4 DP 620319	2680501 2680370

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Garden	“Riverside Park”	127–129 Osborne Road, Burradoo Lots 5, 6 and 7 DP 262034, Lot 18 DP 850447	2680374
House	“Laurel Park”	Cnr Osborne and Moss Vale Roads, Burradoo Lot 12 DP 734353, Lot 122 DP 805776	2680521 2680499
Garden	“Banyula”	8–10 Riversdale Avenue, Burradoo Lot 10 DP 241015	2680514
House	“Ostler’s Lodge”	Cnr Riversdale and Moss Vale Roads, Burradoo	2680215
House and garden	“Werrington”	5–7 Werrington Street, Burradoo Lot 112 DP 559455	2680520
House and garden	“Greyleaves”	Greyleaves Avenue and Eridge Park Road, Burradoo Lot 121 DP 800058	2680072 2680342
Convent, garden, outbuildings and ancillary buildings	“Hartzer Park”	Eridge Park Road, Burradoo Lot 1 DP 258453	2680519 2680364 2680187 2680363
Riversdale house, school buildings, outbuildings and grounds	“Chevalier College”	Moss Vale Road, Burradoo Lot 12 DP 748370	2680189
House, grounds and outbuildings	“Anglewood”	Yean Street, Burradoo Lot 15 DP 794215, Lot 1 DP 505050	2680366 2680188

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House	“Haling Cottage”	56–70 Yean Street, Burradoo Lot 1 DP 911552	2680523
Burrawang			
Public school	“Old Burrawang Schoolhouse”	Church Street, Burrawang Lot 410 DP 821781	2680617
Shop	“Mauger’s Butcher Shop”	Hoddle Street, Burrawang Lot 1 DP 590264	2680588
General store	“Burrawang General Store”	Hoddle Street, Burrawang Lot F DP 399071	2680589
Hotel	“Burrawang Hotel”	Hoddle Street, Burrawang Lot 1 DP 198682	2680590
Colo Vale			
House, grounds and outbuildings	“Wensleydale”	Cnr Wilson Drive and Church Avenue, Colo Vale Lots A and B DP 395606, Lots 9, 10, 11 and 12 DP 10674, Lot 13 DP 245456	2680367 2680176
Exeter			
House and garden	“Invergowrie”	Exeter—Bundanoon Road, Exeter Lots 1 and 2 DP 522290	2680372 2680591
House	“Redcourt”	Exeter—Sutton Forest Road, Exeter Lots 6 and 7 DP 3371	2680594
Church and memorial hall	“St Aiden’s Church” and “Memorial Hall”	Exeter—Sutton Forest Road, Exeter Lots 9 and 10 Sec 5 DP 3373, Lot 1 DP 952304	2680375 2680376

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Hall	“Exeter Hall”	Exeter—Sutton Forest Road, Exeter Part Lot 4 DP 3170	2680593
House	“Romsey Cottage”	Ringwood Road, Exeter Lot 131 DP 790655	2680592
House, grounds and outbuildings	“Vine Lodge”	Sutton Forest Road, Exeter Lot 1 DP 596495, Lot A DP 927745, Lot 1 DP 924532, Lot 4 DP 660174	2680354 2680204 2680355
Railway station, signal box and cottage	“Exeter Railway Station”	Main Southern Line, Exeter	2680607 2680610
Glenquarry			
House	“Shepherd’s Cottage”	Cnr Kangaloon Road and Sproules Lane, Glenquarry Lot 7 DP 264034	2680061
House, grounds and outbuildings	“Roberton Park”	Tourist Road, Glenquarry Lot 71 DP 541472	2680159
Glenthorne			
Cemetery	“Gilwarra Private Cemetery”	Glenthorne	2680207
High Range			
House and grounds	“High Range”	Wombeyan Caves Road, High Range Lot 2 DP 746331	2681194

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Joadja			
Shale oil mine, refining area and village	“Joadja Village, Shale Oil Mine and Refinery”	Joadja Road, Joadja Lot 11 DP 858859	2680384
Kangaloon			
School house	“Former Kangaloon School House”	Kangaloon Road, East Kangaloon Lot 1 DP 724175	2681195
Church	“Uniting Church and Cemetery”	Kangaloon Road, Kangaloon Part Lot 1 DP 181535, Lot 1 DP 903422	2680445
Mittagong			
Church	“Uniting Church”	Albert Street, Mittagong	2680136
House		25 Albert Street, Mittagong Part Lot 177 Sec Q DP 1289	2680565
Commercial building	“Hume House”	Cnr Albion and Main Streets, Mittagong Lot 1 Sec 1 DP 1289	2680549
House		43 Alfred Street, Mittagong Lot 106 Sec J DP 1289	2680557
House		45 Alfred Street, Mittagong Lot 105 Sec J DP 1289	2680558
House		54 Alfred Street, Mittagong Lot 148 Sec O DP 1289	2680559
Institution	“Sunshine Lodge”	Cnr Alfred and Albert Streets, Mittagong Lots 145, 146 and 147 Sec O DP 1289	2680554

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Stone stables		Alice Street, Mittagong Lot 7 DP 550518	2680548
Institution	“Renwick”, including “Rowe Cottage”, “Suttor Cottage” and “Goodlet Cottage”	Bong Bong Road, Mittagong Part Lot 51 DP 1040663, Lot 53 DP 1040663 (Goodlet Cottage), Lot 52 DP 1040663 (Suttor Cottage), Lot 1 DP 846419 (Rowe Cottage)	2680618
Garden	“Kennerton Green”	Bong Bong Road, Mittagong Lot 5 DP 2836	2680575
Wells, barn and outbuildings	“Willow Run”	Bong Bong Road, Mittagong Part Lot 115 DP 751282	2681193
Semi detached house		9 Bowral Road, Mittagong Part Lot 6 Sec 6 DP 1289	2680567
Semi detached house		11 Bowral Road, Mittagong Part Lot 6 Sec 6 DP 1289	2680567
Fire station		Bowral Road, Mittagong Lot 8 DP 258852	2680569
House	“Melrose”	50 Bowral Road, Mittagong Lot B DP 415847	2680566
Council chambers	Former “Mittagong Shire Council Building”	Cnr Bowral Road and Main Street, Mittagong Lot 1 Sec 2 DP 1289	2680270
School of arts and memorial hall		Cnr Bowral Road and Main Street, Mittagong Lot 1 Sec 5 DP 1289	2680144

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Church	“St Paul’s Presbyterian Church”	Cnr Edward and Alice Streets, Mittagong Part Lot 152 Sec O DP 1289, Lot 1 DP 931666	2680553
House	“Fitzroy Inn” former “Oaklands”	26 Ferguson Crescent, Mittagong Lot 1 DP 580448, Lot 5 DP 580449, Lot 2 DP 244557	2680099
Church, hall and grounds	“St Stephen’s Anglican Church”	Hume Highway, Mittagong DP 78607	2680170
Ironworks site	“Fitzroy Ironworks”	Cnr Hume Highway and Bessemer Street, Mittagong Lot A DP 26366	2680457
Rectory	“Anglican Rectory”	Cnr Louisa and Main Streets, Mittagong Lot 2 DP 622996	2680124
Clock tower	“Memorial Clock”	Main Street, Mittagong	2680278
Hotel	“Mittagong Hotel”	Main Street, Mittagong Lot 1 DP 185046	2680547
Hotel	“Lion Rampant Hotel”	Main Street, Mittagong Lot 4 DP 240187	2680546
Commercial building	“Mealings Building”	Main Street, Mittagong Lot 5 DP 240187	2680060
Shop	“Bunters Shop”	Main Street, Mittagong Lot 1 DP 735671	2680106
Commercial building	“Forbes Building”	Main Street, Mittagong Lot 1 DP 789814	2680064

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Commercial building	“Old Mittagong Newsagency Building and National Bank”	Main Street, Mittagong Lots 1 and 2 DP 524097	2680192
House and outbuildings	“Luggie Bank”	Range Road, Mittagong Lot 1 DP 435403	2680468
Shops		1–3 Station Street, Mittagong Lot 2 Sec 3 DP 1289, Lot 5 DP 356938	2680135
Commercial building	“The Boston Ivy”	107 Main Street, Mittagong Lot 21 DP 777984	2680100
House	“Victoria House”	Cnr Main and Victoria Streets, Mittagong Part Lot 215 Sec T DP 20	2680550
Park	“Winifred West Park”	Cnr Main Street and Church Lane, Mittagong Lots 1–3, 16–21 Sec 2 DP 1289	2680039
Shop	“Whytes Corner Store”	Cnr Main and Station Streets, Mittagong Lot 3 Section 3 DP 1289	2680432
Cottages	“Cutter’s Inn” Also known as “Hassal and Jefferis Cottages”	Old South Road, Mittagong Lot 16 DP 879494	2680195
Seminary	“Marist Brothers Centre”	Old South Road, Mittagong Lots 1, 2, 3 and 4 DP 804746	2680169
Mount	“Mt Jellore”		2680572
Reserve	“Mt Alexander Reserve”	Pioneer Street, Mittagong Lot 16 DP 831498	2680066

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Library	“Mittagong Public Library”	Cnr Queen and Albert Streets, Mittagong Lot 221 Sec U DP 1289	2680564
House		3 Queen Street, Mittagong Lot C DP 979880	2680552
House	“Leslie Cottage”	8 Queen Street, Mittagong Part Lot 180 Sec Q DP 1289	2680563
House		10 Queen Street, Mittagong Part Lots 177–180 Sec Q DP 1289	2680562
Railway station	“Mittagong Railway Station”	Railway Parade, Mittagong	2680197
Railway goods shed		Railway Parade, Mittagong	2680197
House	Former “Station Master’s Residence”	Railway Parade, Mittagong Lot 1 DP 743008	2680198
School building and garden	“West Wing, Frensham School”	Range Road, Mittagong Sec 19 DP 1289	2680274
Maltings	“The Maltings”	Southey, Colo and Ferguson Streets, Mittagong Lot 2 DP 539841	2680103
Post office	Former “Post Office”	Station Street, Mittagong Lot 1 DP 746469	2680162
Police station	Former “Police Station”	Cnr Station and Regent Streets, Mittagong Lot 8 DP 618569	2680161

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
House		1 Victoria Street, Mittagong Part Lot 193 Sec S DP 1289, Lot 193 DP 667168	2680560
House		3 Victoria Street, Mittagong Lot 1 DP 312786	2680561
Railway line	“Picton— Mittagong Loop Line”		2680473
Moss Vale			
Cottage	“Glendalough Cottage”	Argyle Street, Moss Vale Lot 13 DP 502003	2680200
Commercial building	“Argyle House”	Argyle Street, Moss Vale Lot 2 DP 502003	2680040
Courthouse		Argyle Street, Moss Vale Lot 2 DP 198566	2680173
Pavilion	“Leighton Gardens Pavilion”	Argyle Street, Moss Vale	2680172
Railway station		Argyle Street, Moss Vale	2680244
Station house		Argyle Street, Moss Vale	2680258
Railway yard group		Argyle Street, Moss Vale	2680244
Rail underbridge	“Moss Vale Rail Underbridge”	Argyle Street, Moss Vale	2680178
Memorial	“JM Alcorn Memorial”	Argyle Street, Moss Vale	2680397

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Post office	Former "Post Office"	Argyle Street, Moss Vale Lot 1 DP 612545	2680248
Park	"Leighton Gardens"	Argyle Street, Moss Vale Lot 9 DP 832397	2680400
Shop	"Whytes"	426 Argyle Street, Moss Vale Part Lot 1 Sec 1 DP 975495	2680612
School of arts	Former "School of Arts"	471 Argyle Street, Moss Vale Lot 12 DP 129056	2680043
Convent	Former "Dominican Convent"	463 Argyle Street, Moss Vale Lot 1 DP 775152	2680212
Commercial building	"Hereford House"	465–469 Argyle Street, Moss Vale Lot 1 DP 443725, Lot 13 DP 129056	2680418
Bank	Former "National Australia Bank"	478 Argyle Street, Moss Vale Part Lot 1 DP 68063	2680045
Semi detached house		587 Argyle Street, Moss Vale Lots 1 and 2 DP 209719	2680318
House and grounds	"Glendalough"	598 Argyle Street, Moss Vale Lot 13 DP 593630	2680200
House	"Lynton"	618–620 Argyle Street, Moss Vale Lot 1 DP 217785	2680413
Hotel	"Jemmy Moss Inn"	Cnr Argyle and Waite Streets, Moss Vale Lot 1 DP 568356	2680396

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Coach house	“Coach House Antiques—Argyle Galleries”	Cnr Argyle and Yarrawa Streets, Moss Vale Lot 11 DP 543869	2680403
Guest house	“Dormie House”	Arthur Street, Moss Vale Lot 1 DP 198551	2680402
House and grounds	“Willow Grange”	32–34 Berrima Road, Moss Vale Lot 102 DP 574448	2681192
Church	“St Andrews Presbyterian Church”	Browley Street, Moss Vale Lot 8 Sec 2 DP 38	2680407
School	“Moss Vale Public School”	12 Browley Street, Moss Vale Lots 23 and 25 Sec 1 DP 38, Lot 1 DP 323450, Lot 1 DP 449146, Lot 14 DP 405744	2680201
House	“Kalourgen”	24 Browley Street, Moss Vale Lot A DP 329683	2680406
Church	“St John’s Anglican Church”	Cnr Browley and Waite Streets, Moss Vale Lot 1 DP 323846	2680175
Rectory	Former “St John’s Anglican Rectory”	Cnr Browley and Waite Streets, Moss Vale Lot 72 DP 628810, Lot 26 Sec 2 DP 940, Lot 1 DP 825847	2680223
Barn	“The Barn” Former “Throsby Park Barn”	Church Street, Moss Vale Lot 4 DP 730956	2680053
Cottage	“Throsby Cottage”	Church Road, Moss Vale Lot 1 DP 580481	2680150

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House, grounds and outbuildings	“Woodside”	Farnborough Drive, Moss Vale Lots 21, 22 and 23 DP 731791, Lot 1 DP 632589, Part Lot 16 DP 751303	2680263 2680149
Church	“St Paul’s Roman Catholic Church”	Garrett Street, Moss Vale Part Lot 1 DP 227903	2680408
Presbytery	“Catholic Presbytery”	Garrett Street, Moss Vale Part Lot 1 DP 227903	2680404
Cottage	“Gundagai Cottage”	Illawarra Highway, Moss Vale Lot 1 DP 155806	2680145
Mill	“The Mill”	Illawarra Highway, Moss Vale Lot H DP 109154	2680417
House, grounds and outbuildings	“Mt Broughton”	Kater Road, Moss Vale Lot 1 DP 236285	2680488 2680486 2680487 2680489
Grounds	“Eagleroo”	Kater Road, Moss Vale Lots 5 and 51 DP 751253	2680352
House, grounds and outbuildings	“Bonheur”	Oldbury Road, Moss Vale Lot 5 DP 979138	2680049
House, grounds and outbuildings	“Browley”	Oldbury Road, Moss Vale Lot 4 DP 215782, Lot 10 DP 10658, Lot 58 DP 751253, Part Lot 32 DP 751253, Lots 6–7 DP 979138	2680056

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
House, grounds and outbuildings	"Highfield"	Oldbury Road, Moss Vale	2680246
		Lot 1 DP 58837, Lot 1	2680247
		DP 59375, Lot 1 DP 59165	2680054
House, grounds and outbuildings	"Oldbury"	Oldbury Road, Moss Vale	2680353
		Lot 1 DP 559345, Part Lot 29	2680057
		DP 979138	2680164
House, grounds and outbuildings	"Whitley"	Oldbury Road, Moss Vale	2680361
		Lot 2 DP 123550	2680360
			2680055
House, grounds and outbuildings	"Throsby Park"	Robertson Road, Illawarra	2680050
		Highway, Moss Vale	2680262
		Lot K DP 10954, Lot 1	2680052
		DP 580481	2680261
School	"Tudor House"	Robertson Road, Illawarra Highway, Moss Vale Part Lot 1 DP 529711, Part Lot 16 DP 751303	2680046
House and grounds	"Austermere"	Suttor Road, Moss Vale Lot 3 DP 873240	2680398
Council chambers	Former "Council Chambers"	Throsby Street, Moss Vale Lot 1 DP 617915	2680041
House and garden	"Redbraes"	Valetta Street, Moss Vale Part Lot 16 DP 977031, Lots 12 and 14 Sec 2 DP 977031	2680405
Railway station group	"Mount Murray Railway Station Group"	Mount Murray, Moss Vale, Unanderra Line	2680024

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
Penrose			
House and grounds	“Sylvan Glen Guest Farm”	Kareela Road, Penrose Lot 1 DP 355490	2680611
Church	“Woodhouselea”	Kareela Road, Penrose Lots D and E DP 17031	2680595
School	“Penrose Public School”	Penrose Road, Penrose Lots 110 and 111 DP 751259	2680579 2680596
River crossing	“Paddy’s River Ford” (Site 1)	Penrose State Forest, Penrose	2680434 2680435
Robertson			
School	“Robertson Public School”	Hoddle Street, Robertson Lots 1, 2, 6, 7 and 8 Sec 14 DP 758882, Lots 407 and 408 DP 821032	2681185
School of arts	“Robertson School of Arts”	Hoddle Street, Robertson	2680599
Police station and former Courthouse	“Police Station” and Former “Courthouse”	Hoddle Street, Robertson	2680206
Guest house, grounds and railway station	“Ranelagh House”	Cnr Illawarra Highway and Fountaindale Road, Robertson Lot 2 DP 610676	2680601 2680603
Cemetery	“Robertson Cemetery”	Missingham Parade, Robertson	2680441
Railway station	“Robertson Railway Station”		2680463

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
Peat swamp	“Wingecarribee Swamp”	Illawarra Highway, Robertson Portion ML 2, Parish of Mittagong Portion ML 11, Parishes of Mittagong and Kangaloon	2681186
Sutton Forest			
House and outbuildings	“Eccleston Park”	Canyonleigh Road, Sutton Forest Lots 1–9 DP 805624, Lots 38, 39 and 40 DP 751251	2680017
Cottage	“Charlie Grey’s Cottage”	Conflict Street, Sutton Forest Lots 9 and 10 Sec 3 DP 758938	2680014
House, grounds and outbuildings	“Boscobel”	Exeter Road, Sutton Forest Lots 1, 2 and 3 Sec 9 DP 758938, Lots 1–19 Sec 8 DP 758938, Lot 1 DP 58373, Lot 1 DP 63523	2680013
Shops	“Everything Store” and “General Store”	Cnr Exeter Road and Illawarra Highway, Sutton Forest Lot 1 DP 962958, Lot 2 DP 56241	2680490
House and grounds	“Montrose”	Cnr Exeter Road and Ormond Street, Sutton Forest Lot 2 DP 620221	2680006
House, grounds and outbuildings	“Golden Vale”	Golden Vale Road, Sutton Forest Lot 1 DP 406434, Lot 7 DP 828835, Lot 8 DP 874965	2680003 2680005 2680001 2680002

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House, grounds and outbuildings	“Mt Valdimah”	Golden Vale Road, Sutton Forest Lot 1 DP 995642, Lot 1 DP 130301, Lot 1 DP 997685	2680018
House, grounds and outbuildings	“Black Horse Farm”	Hume Highway, Sutton Forest Lot 100 DP 716166	2680020
House, grounds and outbuildings	“Comfort Hill”	Hume Highway, Sutton Forest Lot 100 DP 744544	2680357 2680356 2680021
House, grounds and outbuildings	“Eling Grange”	Hume Highway, Sutton Forest Lot 5 DP 614696, Lots 1, 9 and Part Lot 21 DP 718101, Lots 1–3 DP 806934	2680004 2680009 2680010
Bridge	“Black Bob’s Bridge”	Hume Highway, Black Bob’s Creek, Sutton Forest	2680019
Cottage		Illawarra Highway, Sutton Forest Lots 8 and 9 DP 32	2680028
Church hall and cemetery	“All Saints Anglican Church”	Illawarra Highway, Sutton Forest Lots 1 and 2 DP 999587	2680022 2680025 2680350
House, grounds and outbuildings	“Bindagundra”	Illawarra Highway, Sutton Forest Lot 15 DP 2715	2680027
House, grounds and outbuildings	“Clover Hill”	Illawarra Highway, Sutton Forest Lot 1 DP 56241	2680203

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item	Name	Address	Inventory No
House, grounds and outbuildings	“Hillview”	Illawarra Highway, Sutton Forest Lot 12 DP 260417, Part Lot 2 DP 621373	2680008 2680007 2680358 2680359
House, grounds and outbuildings	“Newbury”	Illawarra Highway, Sutton Forest Lot 1 DP 133353, Lot 1 DP 176414, Lot 32 DP 665400	2680202
Hotel	“Sutton Forest Inn”	Illawarra Highway, Sutton Forest Lot 1 DP 64663	2681187
Post office	Former “Post Office”	Cnr Illawarra Highway and Bundanoon Road, Sutton Forest Lot 1 DP 334187	2680016
House, grounds and outbuildings	“Spring Grove Farm”	Illawarra Highway, Sutton Forest Part Lot 18, 69 and 70 DP 751289, Lot 2 DP 250746, Lot 5 DP 250743, Lot 71 DP 751289	2680492
House and grounds	“Rosedale”	Illawarra Highway, Sutton Forest Lots 2 and 6 DP 250747, Lot 13 DP 250743, Lots 2, 7 and 8 DP 11147	2680031
House, grounds and outbuildings	“Rotherwood”	Illawarra Highway, Sutton Forest Lot 6 DP 250746	2680033 2680032
Church and cemetery	“St Patrick’s Roman Catholic Church”	Illawarra Highway, Sutton Forest Lot 1 DP 513739	2680034 2680349 2680023

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item	Name	Address	Inventory No
House and grounds	“Summerlees”	Illawarra Highway, Sutton Forest Lot 1 DP 58843	2680362 2680037
House, grounds and outbuildings	“Sutton Farm”	Illawarra Highway, Sutton Forest Lot 1 DP 783660	2680035
House	“The Pines”	Illawarra Highway, Sutton Forest Part Lot 1 DP 160149	2680029
Weraï			
Railway station gatehouse		Cnr Weraï Road and Gatehouse Lane, Weraï Lot 1 DP 626548	2680605
Wingello			
Church	“St Andrew’s Anglican Church”	Bumballa Street, Wingello	2680606
Railway station group	“Wingello Railway Station Group”	Main Southern Railway, Wingello	2681188
Yarrunga			
Cottage and outbuildings		Nowra Road, Yarrunga Lot 220 DP 651063	2681189
Yerrinbool			
Hall	“Yerrinbool Community Hall”	Cnr Sunrise Road and Everest Street, Yerrinbool Lot 68 DP 9882	2681190

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Schedule 3 Heritage items within the Berrima Conservation Area

(Clauses 5 (1) and 29)

Item/Name	Address	Lot/DP	Inventory No
Cottage	Hume Highway	Lot 1 DP 907794	2680177
Woodley	Hume Highway	Portions 355/356 Parish Berrima	WI0208 2680208
Harpers Mansion	Wilkinson Street	Lot 5 DP 258420	WI0113 2680113
Harper's Cottage	Hume Highway	Lot 5 DP 791464	2680134
Cottage	Cnr Wilkinson and Oxley Streets	Lots 6, 7 and 11 Sec 36	WI0209 2680209
Public School and Residence	Oxley Street	Lots 1, 2 and 3 Sec 31	WI0114 2680114
Ardleigh	Cnr Argyle and Oxley Streets	Lot 16 Sec 37	WI0211 2680211
Parsley Cottage	Oxley Street	Lot 15 Sec 37	WI0117 2680117
Bellevue House	Oxley Street	Lot 14 Sec 37	WI0118 2680118
Armfield Cottage	Oxley Street	Lot 12 Sec 37	WI0115 2680115
Cottage	Oxley Street	Lot 5 Sec 35	WI0116 2680116
Finlayson Memorial Presbyterian Church	Oxley Street	Lot 2 Sec 35	WI0146 2680146
Cottage	15 Argyle Street	Lot A DP 181309	2680143
Sovereign Cottage	Argyle Street	Lot B DP 181309	WI0214 2680214

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item/Name	Address	Lot/DP	Inventory No
Berrima Court House	Cnr Wilshire and Argyle Streets	Lands Department R19938 for Court House notified 14 April 1894	WI0108 2680108
Police Sergeant's Residence	Wilshire Street	Sec 35	WI0112 2680112
Former Taylor's Butcher Shop	Hume Highway	Lot 4 Sec 15	WI0216 2680216
Former Levy Store	Hume Highway	Lot 3 Sec 15	WI0137 2680137
Colonial Inn	Hume Highway	Lot 4 Sec 15	WI0140 2680140
Former Post Office	Cnr Oxley Street and Hume Highway	Lot 20 Sec 30	WI0218 2680218
Berrima Galleries	Hume Highway	Lot 118 DP 870922	WI0141 2680141
Former Cobb & Co Buildings	Cnr Hume Highway and Wingecarribee Street	Lot 10 DP 527350	WI0210 WI0344 2680210 2680344
Cottage	Wingecarribee Street	Lot 4 Sec 30	2680219
Cottage	Wingecarribee Street	Lot 5 Sec 30	2680220
Former Rectory Study	Wingecarribee Street	Lot 2 DP 600090	WI0104 2680104
Former Bakery Complex	Cnr Hume Highway and Wingecarribee Street	Lot 10 DP 619810 and Lot 1 DP 568701	WI0142 2680142

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Item/Name	Address	Lot/DP	Inventory No
Bull's Head Drinking Fountain on outside wall of Gaol	Wilshire Street		WI0111 2680111
Berrima Training Centre (formerly gaol)	Cnr Argyle and Wilshire Streets	Lands Department Plans MS 416 3040 MS 276 3040 C 3749 2041 dedicated 11 November 1891	WI0109 2680109
Stone Cottage	Argyle Street	Lands Department Plans MS 416 3040	WI0221 2680236
Superintendent's House	Argyle Street		WI0107 2680107
Cottage	Wingecarribee Street	Lot 161 DP 525973	2680222
Surveyor General Inn	Hume Highway	DP 61660	WI0139 2680139
Berrima Post Office	Hume Highway	Lot 19 Sec 2	WI0138 2680138
Barn Gallery	Jellore Street	Lot 920 DP 710515	2680129
Cottage	Jellore Street	Lot 6 Sec 2	2680237
Former Victoria Inn	Jellore Street	Lot 104 DP 717120	WI0128 2680128
Former Coach and Horses Inn	Jellore Street	Part Lot 2 Sec 2	WI0133 2680133
Former Berrima Inn	Jellore Street	Lot 1 DP 708845	2680132
Riverview Cottage	Jellore Street	Lot 6 Sec 5	WI0130 2680130

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Amendments

Schedule 1

Item/Name	Address	Lot/DP	Inventory No
Berrima Cottage	Jellore Street	Lot 4 Sec 5	WI0131 2680131
Makin Cottage	Stockdale Street	Lot 1 DP 711365	WI0227 2680227
White Horse Inn	Market Place	Lot A DP 378458	WI0123 2680123
Nurse's Cottage	Market Place	Lot B DP 378459	WI0228 2680228
Magistrate's house	Market Place	Lots 5 and 6 Sec 1	2680125
Lennox Bridge stonework	Market Place		2680474
Church of Holy Trinity	Argyle Street	Lots 1, 2, 8, 9, 10 Sec 3	WI0147 2680147
St Francis Xavier Roman Catholic Church	Cnr Hume Highway and Oldbury Street		WI0120 2680120
Early slab cottage	Oldbury Street	Lot 1 DP 806686	2680230
Sandstock/timber house	Hume Highway	Lot 4 Sec 33	2680231
Brick house	Hume Highway	Lot 5 Sec 33	2680134
Market place	Hume Highway	Public Reserve	WI0233 2680233
Lambie's Well	Wilshire Street		WI0234 2680234

Wingecarribee Local Environmental Plan 1989 (Amendment No 115)

Schedule 1 Amendments

Schedule 4 Heritage items within the Bowral Conservation Area

(Clauses 5 (1) and 29)

Item/Name	Address	Inventory No
Courthouse including fence	Cnr Bendooley and Wingecarribee Streets, Bowral	2680088
Bendooley Street Conservation Area	Properties fronting both sides of Bendooley Street and the properties in the streets at both ends opposite the ends of Bendooley Street, Bowral	2680235
St Jude's Anglican Church Group	Bendooley Street, Bowral including inter alia Bowral Public School, St Andrew's Church and Hall, Court House including fence, Town Hall, No 12 Stafford Cottage, Library/Memorial Hall, No 28 residence, Uniting Church former Methodist Church, St Jude's Anglican Church Group, including Rectory Church Hall, Lych Gate Cemetery, No 42 Eldon Cottage	2680082
Town Hall	Bendooley Street, Bowral	2680081
Laural House	47 Merrigang Street, Bowral	2680343

Natural Resources

WATER ACT 1912

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

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

Lachlan River Valley

Geoffrey John FAHEY for a bywash dam on an unnamed watercourse on Lot 3, DP 589985, Parish of Crookwell, County of King, for conservation of water supply for domestic and stock purposes (new licence) (Reference: 70SL091015) (GA2:466346).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

VIV RUSSELL,
Resource Access Manager,
Central West Region

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

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

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

Namoi River Valley

Maurice Ivan SWAIN, Sharon Lee SWAIN and John Maurice SWAIN for a pump on Cox's Creek on Lot 198, DP704764, Parish of Coogal, County of Pottinger for irrigation of 60.5 hectares. Permanent transfer of 635 megalitres of existing entitlement – new licence. L.O. Papers 90SL100825. GA2472179.

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

GEOFF CAMERON,
Manager Resource Access

Department of Infrastructure, Planning and
Natural Resources
PO Box 550, Tamworth NSW 2340.

WATER ACT 1912

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

Murrumbidgee Valley

BALRANALD SHIRE COUNCIL for a bore on a council reserve adjacent to Lot 1, DP 763535, Parish of Balranald, County of Caira, for augmentation/back up supply of town water to Balranald (new licence) (Reference: 40BL190265).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 22 December 2004, as prescribed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region

Department of Infrastructure, Planning and
Natural Resources,
PO Box 156, Leeton NSW 2705.

WATER ACT 1912

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

Murray River Valley

BALRANALD SHIRE COUNCIL for a bore on a Public Recreation Reserve, Lot 7008, DP 756085, Parish of Euston, County of Taila for town water supply (emergency) for Euston. New licence. Reference 60BL216410. GA2:469531.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 24 December 2004 as prescribed by the Act.

PETER WINTON,
Natural Resource Project Officer
Murray-Murrumbidgee Region

Department of Infrastructure, Planning and
Natural Resources,
PO Box 363, Buronga NSW 2739.

WATER ACT 1912

AN application for an Authority, under the section 20 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Samantha Susan Jane MOORE and others for a pump on Goldens Creek being Lot 9, DP 870016, Parish of Yurammie, County of Auckland for water supply for stock and domestic purposes. (new authority) (replacing licenses 10SL55308 and 10SL55207 - no change to purposes) (not subject to the 2003 Bega River catchment embargo) (Ref:10SA2533) (GA2:502405).

Any inquiries regarding the above should be directed to the undersigned (Phone: 4428 6919).

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

WAYNE RYAN,
Natural Resource Project Officer,
Sydney/South Coast Region

Department of Infrastructure, Planning and
Natural Resources
PO Box 309
Nowra NSW 2541

WATER ACT 1912

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

Daniel Martin BROPHY and Dallas Julie TAPSALL for a pump on Brogo River being Lots 1401 and 1402, DP 628436, Parish of Mumbulla, County of Auckland for water supply for the irrigation of 18.0 hectares (orchard, vegetables, improved pasture) (new license) (permanent transfer of part allocation from 10SL56579) (exempt from Brogo River embargo) (Ref: 10SL56608) (GA2:502405)

Buddy William and Helen STEVENSON and Shirley JAMIESON for a pump on the Delegate River being Lot 34, DP 756852, Parish of Quidong, County of Wellesley for water supply for the irrigation of 200.0 hectares (Oak and Hazel trees inoculated with Black Truffle) (new license) (application received prior to the 2003 Snowy River and tributaries embargo) (Ref: 10SL56614) (GA2: 502406).

AUSTRALIAN LAND COMPANY PTY LTD for a pump on the Mowamba River being Lot 61, DP 1031956, Parish of Clyde, County of Wellesley for water supply for town water supply purposes. (new license) (exempt from the 2003 Snowy River and tributaries embargo) (Ref: 10SL56612) (GA2:502407).

Graeme Ronald and Christine Anne SCHUHKRAFT for a pump on Lot 320, DP 1005197, Parish of Kameruka, County of Auckland for the irrigation of 56.5 hectares (improved pasture) (new license) (permanent transfer of part allocation from 10SL56615) (not subject to the Bega River catchment 2003 embargo) (Ref:10SL56615) (GA2:502405).

Any inquiries regarding the above should be directed to the undersigned (Phone: 4428 6919).

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

WAYNE RYAN,
Natural Resource Project Officer,
Sydney/South Coast Region

Department of Infrastructure, Planning and
Natural Resources
PO Box 309
Nowra NSW 2541

WATER ACT 1912

Order Under Section 117E

Groundwater Allocations for the 2004/2005 Water Year

Upper Namoi Alluvium Zone 2 Water Shortage Zone

THE Water Administration Ministerial Corporation notifies groundwater entitlement holders that the Upper Namoi Zone 2 Groundwater Management Area (as shown in Schedule 1) is unlikely to have sufficient water to meet the requirements of persons authorised by law to take water from this water source or to meet other requirements for water previously determined by the Ministerial Corporation.

Accordingly, for the whole 2004/2005 Water Year the announced groundwater allocation shall be 90% of licensed entitlement (subject to a viability base of 500 megalitres), where available. In addition, there will be no access to carry over in groundwater accounts and borrowing and temporary trading will not be permitted for the 2004/2005 Water Year.

This order applies to all bores other than bores for stock, domestic, farming and town water supply purposes. Licence holders with a licensed entitlement equal to or less than the viability base will not be subject to the announced allocation.

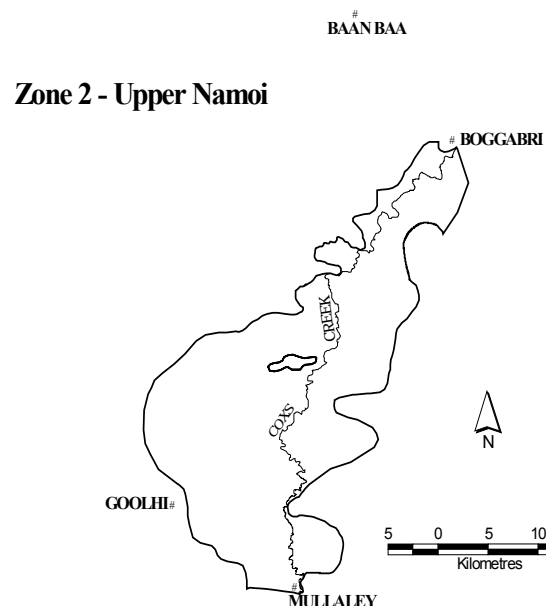
Signed for the Water Administration Ministerial Corporation.

Dated this 26th Day of November 2004.

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

SCHEDULE 1

MAP 1



WATER ACT 1912**Notice of withdrawal of Pumping Suspensions**

Under section 22b of the Water Act 1912

Richmond River from Findon Creek Junction to The Risk,
Findon Creek, Collins Creek, Fawcetts Creek and their
tributaries

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING SUSPENSIONS under Section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses.

Dated this twenty fourth day of November 2004.

G. LOLLBACK,
Resource Access Manager
North Coast Region
GRAFTON
GA2: 476184

Department of Lands

DUBBO OFFICE

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

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

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Local Government Area – Narrromine
Land District – Dubbo*

Lot 1, DP 1071501, Parish of Narrromine, County of Narrromine (not being land under the Real Property Act).
File No.: DB02 H 237.

Note: On closing, the title for Lot 1 shall remain vested in the State of New South Wales as Crown land.

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

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

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

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

*Administrative District – Broken Hill; City – Broken Hill
Parish – Picton; County – Yancowinna*

The purpose of Western Lands Lease 13504, being the land contained within Folio Identifier 4628/757298 has been altered from “Business” to “Residence” effective from 18 November 2004.

As a consequence of the alteration of purpose rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions previously annexed to Western Lands Lease 13504 have been revoked and the following conditions have been annexed thereto.

**CONDITIONS AND RESERVATIONS ATTACHED TO
WESTERN LANDS LEASE 13504**

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Infrastructure, Planning and Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4 (2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
- (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of "Residence".
- (13) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (14) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (15) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (17) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect a dwelling on the land in accordance with plans and specifications approved by the Council of the local government area.
- (18) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (19) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (20) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (21) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (22) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Infrastructure Planning and Natural Resources within 3 months of the date of gazettal of the granting.
- (23) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.

ALTERATION OF CONDITIONS OF A WESTERN LANDS LEASE

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

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

*Administrative District and Shire – Balranald
Parish – Koorakee; County – Taila*

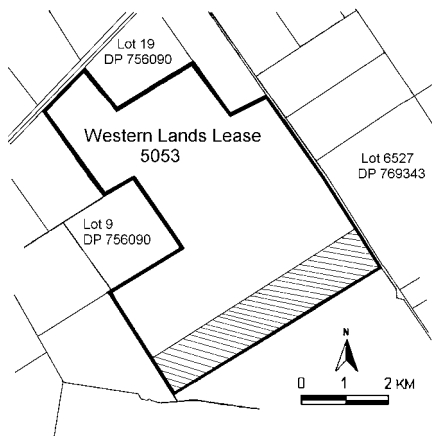
The conditions of Western Lands Lease No. 5053, being the land contained within Folio Identifier 6525/769341 have been altered effective from 16 November 2004 by the inclusion of the following special conditions.

The conservation area indicated by hatching in the special conditions below comprises of approximately 780 hectares (being the area along the full length of the southern boundary of Lot 6525, DP 769341 for a width of 700 metres).

SPECIAL CONDITIONS ATTACHED TO WESTERN LANDS LEASE 5053

- (1) The lessee shall erect and maintain a domestic stockproof standard fence surrounding the areas shown hatched on the diagram hereunder and ensure the areas remain ungrazed by both domestic stock and feral animals.
- (2) The lessee shall not clear any vegetation or remove any timber within the areas shown hatched on the diagrams hereunder unless written approval has been granted by either the Commissioner or the Minister.

- (3) The lessee shall manage the areas shown hatched on the diagrams hereunder in accordance with best management practices specified in the document known "Southern Mallee Regional Guidelines for the Development of Land Use Agreements".
- (4) Special Condition 1 above shall be revoked, upon application by the lessees, in the event of the revocation of Cultivation Consent for any reason other than a breach of Consent conditions(s).



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 for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Yantabulla Recreation Reserve C Trust	Reserve No. 230037 Public Purpose: Public Recreation Notified: 22 January 1988 File Reference: WL96 R 22/1

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Louth Tennis Club Reserve Trust	Reserve No. 82807 Public Purpose: Public Recreation Notified: 23 September 1960 File Reference: WL86 R 228/1

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Wanaaring Recreation Reserve B Trust	Reserve No. 230039 Public Purpose: Public Recreation Notified: 6 May 1988 File Reference: WL88 R 129/1

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Max Haim Reserve Trust	Reserve No. 96634 Public Purpose: Public Recreation Notified: 4 March 1983 File Reference: WL86R115/1

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Lonnie Davis and Mervyn Sharpe Reserve Trust	Reserve No. 87678 Public Purpose: Trucking Stock Cattle Saleyards Notified: 20 February 1970 File Reference: WL86 R 255/1

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Yantabulla Recreation Reserve B Trust	Reserve No. 86815 Public Purpose: Public Recreation Notified: 2 August 1968 Reserve No. 86104 Public Purpose: Public Recreation Notified: 9 December 1966 File Reference: WL87 R 40/1

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****NOTIFICATION OF CLOSING OF A ROAD**

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

TONY KELLY, M.L.C.,
Minister for Lands

DESCRIPTION

*Parish – Burra; County – Murray
Land District – Queanbeyan
Council – Eastern Capital City Regional*

Lot 1, DP 1075182. File Reference GB02 H 209:JK

Note: On closing the land in Lot 1, DP 1075182 remains land vested in the Crown as Crown land.

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 2000 Fax: (02) 6640 2035****ALTERATION OF CORPORATE NAME OF RESERVE TRUST**

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Dorroughby Grass Reserve Trust.

SCHEDULE 2

Reserve No.: 58949.
Public Purpose: Public recreation.
Notified: 18 June 1926.

Reserve No.: 54361.
Public Purpose: Quarantine.
Notified: 14 January 1921.
File No.: GF03 R 26.

SCHEDULE 3

Dorrobbee Grass Reserve Trust.

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 for Lands

Description

Land District – Grafton; Shire – Clarence Valley

Road closed: Lot 1, DP 1075521, at Pillar Valley, Parish Maryvale, County Clarence. File No.: GF02 H 335.

Note: On closing, the land within Lot 1, DP 1075521 remains vested in the State of New South Wales as Crown land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Gregory GIDDINS (new member)	Narrandera Showground Trust	Dedication No. 559007 Public Purpose: Showground Notified: 16 March 1883
Donald Winston BROAD (new member)		Dedication No. 559009 Public Purpose: Showground Notified: 12 August 1903
Brian Laurits JOHANSEN (new member)		Dedication No. 559008 Public Purpose: Showground Notified: 14 November 1893 File Reference: GH89 R 159/5
Donald Bruce GUYMER (new member)		
Peter James CULL (new member)		
David Wallace CHARLES (re-appointment)		
Marian Mary JOHANSEN (re-appointment)		
For a term commencing 24 December 2004 and expiring 23 December 2009		

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Craig Michael HANNON (new member)	Bilbul Recreation Reserve Trust	Reserve No. 69351 Public Purpose: Public Recreation Addition Notified: 9 August 1940 Reserve No. 55678 Public Purpose: Public Recreation Notified: 22 September 1922 File Reference: GH87 R 3/2

For a term commencing the date of this
notice and expiring 30 November 2005

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

ERRATUM

APPEARING in the *Government Gazette* No. 98 of 18 June 2004, Folio 3779 the two notices under the heading Notification of Closing of a Road are withdrawn.

OE02 H 19 and OE02 H 20.

TONY KELLY, M.L.C.,
 Minister for Lands

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

TONY KELLY, M.L.C.,
 Minister for Lands

ESTABLISHMENT OF RESERVE TRUST

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

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Parkes Shire Council	Forbes Water Reserve (R.94635) Reserve Trust	Reserve No. 94635 Public Purpose: Water Supply Notified: 1 May 1981 File Reference: OE91 R/6/1

For a term commencing this day

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Forbes Water Reserve (R.94635) Reserve Trust	Reserve No. 94635 Public Purpose: Water Supply Notified: 1 May 1981 File Reference: OE91 R/6/1

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 9895 7657 Fax: (02) 9895 6227

NOTIFICATION OF CLOSING OF ROADS

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

TONY KELLY, MLC.,
 Minister for Lands.

—
 Descriptions

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

Lot 10, DP 1074602 at Cabramatta West, Parish St Luke (Sheet 8), County Cumberland. MN04 H 81

Note: On closing, title for the land in lot 10 remains vested in Fairfield City Council as operational land.

—
 Descriptions

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

Lot 10, DP 1072778 at Vaucluse, Parish Alexandria (Sheet 2), County Cumberland. MN03 H 176

Note: On closing, title for the land in lot 10 remains vested in Woollahra Municipal Council as operational land.

—
TAMWORTH OFFICE

25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

**PROPOSED ADDITION TO CROWN LAND
 DEDICATED FOR A PUBLIC PURPOSE**

IT is intended, following the laying before both Houses of Parliament in the State of New South Wales of an abstract of the proposed addition in accordance with section 82 of the Crown Lands Act 1989, to add the Crown land specified in Column 1 of the Schedule hereunder to the dedicated Crown land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC.,
 Minister for Lands.

—
 SCHEDULE

COLUMN 1

Land District: Quirindi
 Local Government Area:
 Upper Hunter Shire Council
 Locality: Murrurundi
 Lot: 1, D.P. No.: 1019316
 Parish: Murrurundi
 County: Brisbane
 Area: 6.21 hectares.
 File No: TH79 R 390

COLUMN 2

Dedication No: 600027
 Public Purpose: Permanent
 Common
 Notified: 17 June 1873
 Lots: 7016 and 7018
 DP Nos: 1059557 and 1059560
 Parish: Murrurundi
 County: Brisbane
 New Area: 313.88ha

WAGGA WAGGA REGIONAL OFFICE
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2709 Fax: (02) 6921 1851

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

TONY KELLY, M.L.C.,
Minister for Lands

Parish – Brungle; County - Buccleuch
Land District – Tumut; Shire - Tumut

SCHEDULE 1

Crown Public Roads within the Village of Brungle being the roads 30.175 wide and known as Martin Street between Allotment 5 Section 12 DP 758169 and Lot 356 DP 726224, Churchill Street between Section 11 and Section 12 and Short Street between Lot 315 DP 750976 and Section 2; being also the Crown Public Roads 6 metres wide and described as the lanes separating Allotments 1 to 5 from Allotments 6 to 10 Section 12 DP 758169, separating Allotments 1 to 7 from Allotments 8 to 14 Section 11 DP 758169, separating Allotments 1 to 4 from Allotments 9 to 12 Section 1 DP 758169, separating Allotments 1 to 5 from Allotments 6 to 10 Section 2 DP 758169, separating Allotments 1 to 5 from Allotments 6 to 10 Section 3 DP 758169, separating Allotments 1 to 5 from Allotments 6 to 10 Section 4 DP 758169.

SCHEDULE 2

Roads Authority: Tumut Shire Council.
File No.: WA04 H 241

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Sara Jane Holden GRILLS (new member)	Holbrook Racecourse Trust	Reserve No. 36150 Public Purpose: Athletic Sports Racecourse Notified: 25 July 1903 File Reference: WA80 R 77

For a term commencing this day
and expiring 31 May 2007.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Robert Nicholls TRUELOVE (new member) John Scott HAMILTON (re-appointment)	Illabo Showground Trust	Dedication No. 620025 Public Purpose: Showground Notified: 5 November 1926 File Reference: WA80 R 121

For a term commencing this day and expiring 18 July 2009.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
The person for the time being holding the office of Chairman, Riverina Schoolboys Football Carnival (ex-officio member) Martin St John HONNER (new member) Joanne Margaret JUDD (new member) Patrick Lindsay FOLEY (re-appointment) Patrick Richard KEAST (re-appointment) Colin John RANDALL (re-appointment) Leslie Dalmain EISENHAUER (re-appointment) Allan George HARPLEY (re-appointment)	June Showground Trust	Dedication No.: 620056 Public Purpose: Showground Public Recreation Notified: 8 June 1934 File Reference: WA80 R 122

For a term commencing this day and
expiring 18 July 2009.

**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 for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Gundagai Local Government Area: Gundagai Shire Council Locality: Nangus Reserve No. 59322 Public Purpose: Commonage Notified: 12 November 1926 File Reference: WA80 R 150	The whole being Lots 7003 and 7004, D.P. No. 1028671, Parish Nangus, County Clarendon of an area of 20.53ha

Roads and Traffic Authority

ROADS ACT 1993

Notice under Clause 50 (3) (b) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 50 (3) (b) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999, exempt the vehicle to which this Notice applies, more particularly described in the Schedule hereto, from the requirement that they be in the charge of a competent person, while under tow, subject to the provisions of that Schedule.

Dated 20 November 2004.

PAUL FORWARD,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Spray Coupe Combination Notice.

1.2 Commencement

This Notice takes effect on 1 December, 2004.

1.3 Limitation

This Notice continues to have effect until 1 December 2008, unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the meaning assigned by Part 6 of this Notice, or, if not there defined, have the meanings assigned to them by the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996.

1.5 Application

This Notice applies to agricultural combinations in excess of 4.5 tonnes GCM, where there is only one towed vehicle and that vehicle is a purpose built self-propelled agricultural spraying machine of the kind to which the manual described in clause 4.1.1 relates and is towed on a road or road related area, without a competent person being in charge of it.

PART 2 – ROADS

2.1 Approved roads

2.1.1 A combination to which this Notice applies must not travel on a road, road related area, bridge or structure where any posted mass or dimension limit would be exceeded.

PART 3 – VEHICLE MASS AND DIMENSION LIMITS

3.1 Mass

- 3.1.1 The gross mass of the combination must not exceed 42.5 tonnes.
- 3.1.2 The mass of the towed vehicle must not exceed the loaded mass of the towing vehicle.
- 3.1.3 The manufacturer's GCM for the towing vehicle must not be exceeded.

3.1.4 The manufacturer's ratings for any component of the combination must not be exceeded.

3.1.5 For the purpose of this Notice, for agricultural machines, where the GVM is not specified by the manufacturer, the tare mass of the vehicle will be deemed to be the GVM.

3.2 Dimensions

3.2.1 The agricultural combination must not be more than 25 metres long.

3.2.2 The agricultural combination must not exceed 4.3 metres in height.

3.2.3 In the Western Zone, the agricultural combination must not exceed 6 metres in width, unless a specific permit has been obtained.

3.2.4 In the Eastern Zone, the agricultural combination must not exceed 5 metres in width, unless a specific permit has been obtained.

PART 4 – OPERATING REQUIREMENTS

4.1 Towing

4.1.1 The combination must be coupled as shown in the instructions, Appendix 1 – Towing the Spray-Coupe, in the "Operation and Maintenance Manual" supplied by Melroe, Ingersoll-Rand.

4.2 Braking

4.2.1 The hauling unit must have the mass and braking capability to stop the combination from a speed of 30km/h, within a distance of 14 metres.

4.3 Speed limit

4.3.1 The combination must not travel on roads or road related areas at more than 40 km/h.

4.4 Conspicuity

4.4.1 An amber rotating beacon/s must be fitted and be clearly visible from both the front and rear of the combination.

4.4.2 Brake and turn lights and reflectors must be fitted and be clearly visible at the rear of the combination.

PART 5 – MISCELLANEOUS

5. A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice must be produced on demand to a member of the Police Service, or an authorised officer.

PART 6 – GLOSSARY OF TERMS

6. In this Notice:

"agricultural combination" means a combination that includes at least one agricultural vehicle.

"agricultural machine" means a machine with its own motive power, built to perform agricultural tasks.

"agricultural vehicle" means an agricultural implement or agricultural machine.

"amber rotating beacon" means a rotating amber flashing light with at least a 55 watt globe, producing 120 to 200 light pulsations per minute, that can be clearly seen from a distance of 500 metres.

ROADS ACT 1993

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

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

MARK HENDERSON,
General Manager,
Albury City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Albury City Council B-Doubles Notice No. 1, 2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 February 2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Albury City Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Nowra Street	Boronia Street	No. 1014 Nowra Street	

ROADS ACT 1993

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

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

HUGH A. PERCY,
General Manager,
Greater Queanbeyan City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Greater Queanbeyan City Council B-Doubles Notice No. 2/2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2009 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within Greater Queanbeyan City Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25	000	Bedford Street, Queanbeyan	Paterson Parade	42 Bedford Street	The only place of access on this route is 42 Bedford Street

ROADS ACT 1993

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

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

PETER BASCOMB,
General Manager,
Tumbarumba Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Tumbarumba Shire Council B-Doubles Notice No. 2, 2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 19 November 2009, 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

Additional B-Double routes within the Tumbarumba Shire Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	628	Tooma Road, Tumbarumba	Elliott Way Intersection RR7603	Maragle Road Intersection UO470	One way B-Double Route from Maragle Road to Elliott Way Intersection. Travel in Southerly direction is subject to B-Double Trial.

ROADS ACT 1993

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

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

PETER BASCOMB,
General Manager,
Tumbarumba Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Tumbarumba Shire Council B-Doubles Notice No. 3, 2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 May 2005, 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

Additional B-Double routes within the Tumbarumba Shire Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	UO470	Maragle Road	Intersection with Tooma Road – MR628	State Forests Boundary (Grid)	1. A 20km/hr temporary speed zone be implemented at the Maragle Creek Bridge during bridge upgrading works. 2. Route be used in dry weather only. 3. State Forests use to be in accordance with the Memorandum of Understanding between State Forests and Tumbarumba Shire Council, signed by the TSC General Manager 12 July 2002 4. Gazettal to remain inforce until 31 May 2005.

ROADS ACT 1993

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

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

D. H. RAMSLAND,
General Manager,
Wellington Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Wellington B-Doubles Notice No. 1/2004.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 28 February 2005, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Wellington Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25	000	Blatherys Creek Road, Wellington Council	Mitchell Highway	“Ingleburn”	80kph speed limit
25	000	Campbells Lane, Wellington Council	Cobborah Road (MR353)	Goolma Road (MR233)	80kph speed limit
25	MR353	Cobborah Road, Wellington Council	Maryvale Road	“Muronbung Park”	
25	000	Combo Road, Wellington Council	Mitchell Highway (SH7)	Cobborah Road (MR353)	80kph speed limit
25	000	Comobella Road, Wellington Council	Ballimore Road	Cobborah Road (MR353)	
25	000	Forestvale Road, Wellington Council	Cobborah Road (MR353)	“Lynwood”	
25	000	Gillinghall Road, Wellington Council	Spicers Creek Road	“Gold Hill”	80kph speed limit
25	000	Maryvale Road, Wellington Council	Mitchell Highway (SH7)	Cobborah Road (MR353)	80kph speed limit
25	000	Oakey Creek Road, Wellington Council	Goolma Road (MR233)	“Westwood”	80kph speed limit
25	000	Runcimans Lane, Wellington Council	Forestvale Road	Gillinghall Road	80kph speed limit
25	000	Spicers Creek Road, Wellington Council	Goolma Road (MR233)	“Gillinghall”	80kph speed limit

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Uargon in the Gilgandra Shire Council Area

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

T. D. CRAIG,
Manager,

Compulsory Acquisition and Road Dedication,
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Gilgandra Shire Council Area, Parish of Uargon and County of Gowen, shown as Lots 4 to 7 inclusive, Deposited Plan 1044049.

(RTA Papers: FPP 2M3526; RO 17/165.1265)

ROADS ACT 1993**Order – Section 31**

Fixing of Levels of part of the Newell Highway north of Narrabri in the Moree Plains Shire Council Area

THE Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes the levels of part of State Highway No. 17 – Newell Highway between 80.2 km to 82.7 km north of Narrabri, as shown on Roads and Traffic Authority Plan No 0017.291.RC.0021.

P. J. Dearden,
Project Services Manager,

Roads and Traffic Authority of New South Wales,
51-55 Currajong Street, Parkes NSW 2870

(RTA Papers FPP 291.5357; RO 17/291.1264; 2)

ROADS ACT 1993

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

Moree Plains Shire 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 road train may be used.

Mr DAVID ABER,
General Manager
Moree Plains Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Moree Plains Shire Council Road Train Route Repeal Notice No 1/2004.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The Permit Notice for the Operation of Road Trains 14 May 2004 is amended by omitting the following from that Notice:

Type	Road	Starting point	Finishing point
RT	Menadool Road, Gwydirville {Moree Plains Shire}	Intersection of Newell Highway {SH17} and Menadool Road	200m West of intersection of Tycannah Street and Menadool Road

Other Notices

APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001*, has made the following Vocational Training Order in relation to the recognised trade vocation of Plastering, Fibrous & Plasterboard.

CITATION

The order is cited as the Plastering, Fibrous & Plasterboard Order.

ORDER

A summary of the Order is given below.

(a) Term of Training

Training shall be given for a nominal term of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National General Construction Competency Standards.

(c) Courses of Study to be undertaken

Apprentices will undertake the following certificate from the General Construction Training Package BCG03:

**Certificate III in Wall and Ceiling Lining
BCG31203**

AVAILABILITY FOR INSPECTION

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

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of Remediation Site
(Section 21 of the Contaminated Land Management
Act 1997)

Declaration Number 21062; Area Number 3185

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

Part of Lot 2 in Deposited Plan 605076, which is the Harrington's Quarry site located at the north of Bardens Creek off Little Forest Road, in the suburb of Lucas Heights NSW 2234, in the local government area of Sutherland.

A map of the site is available for inspection at the offices of the Department of the Environment and Conservation, Level 15, 59-61 Goulburn Street, Sydney, NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Ammonia;
- Petroleum hydrocarbons; and
- Volatile chlorinated hydrocarbons.

In particular:

Groundwater samples from on-site near the site boundary have ammonia concentrations several orders of magnitude higher than the trigger values listed in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 for the protection of aquatic ecosystems. The EPA has found that there is potential for off-site migration of ammonia in groundwater.

Regional groundwater discharges to the ephemeral headwaters of Mill Creek and other small un-named creeks, which flow to the Georges River.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment.

Ammonia, petroleum hydrocarbons, and volatile chlorinated hydrocarbons are toxic to aquatic ecosystems (the degree of toxicity being dependant on specific organisms).

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites
Department of Environment and Conservation
PO Box A290, Sydney South NSW 1232,
or faxed to (02) 9995 5930,
by not later than 7 January 2004.

CAROLYN STRANGE,
Director,
Contaminated Sites,
Department of Environment and Conservation

Dated: 22 November 2004.

NOTE:**Remediation order may follow**

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

**CONTAMINATED LAND MANAGEMENT
ACT 1997**

Environment Protection Authority

Declaration of Remediation Site

(Section 21 of the Contaminated Land Management
Act 1997)

Declaration Number 21068; Area Number 3101

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

57-57 John Street, Singleton NSW, comprising Lot 1 in Deposited Plan 81369 and Lot 1 in Deposited Plan 90228 in the local government area of Singleton. A map of the site is available for inspection at the offices of the Department of the Environment and Conservation, Level 15, 59-61 Goulburn Street, Sydney NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Coal tar;
- Petroleum hydrocarbons;
- Benzene, toluene, ethylbenzene, xylene (BTEX);
- Polycyclic aromatic hydrocarbons (PAHs);
- Phenol;
- Cyanide; and
- Ammonia.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- The site soils are contaminated with polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene, xylene (BTEX) and cyanide at concentrations exceeding relevant health based investigation levels for commercial/industrial land use. Coal tar is also present in surface soils. There is the potential for site workers to be exposed to the contamination.
- Groundwater at the site is contaminated with petroleum hydrocarbons, PAHs, phenol and ammonia at concentrations exceeding the trigger values for 95% protection of freshwater ecosystems in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, ANZECC and ARMCANZ, 2000. Contaminated groundwater may migrate off-site and ultimately impact on the Hunter River and users of the river and regional groundwater.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites
Department of Environment and Conservation
PO Box A290, Sydney South NSW 1232

or faxed to (02) 9995 5930

by not later than 24 December 2004.

CAROLYN STRANGE,
Director,
Contaminated Sites,
Department of Environment and Conservation

Dated: 18 November 2004.

NOTE:**Remediation order may follow**

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

ELECTRICITY SUPPLY ACT 1995

Independent Pricing and Regulatory Tribunal of
New South Wales

Factors for Determining Greenhouse Gas
Benchmarks for 2005 (ref: 04/437)

IN accordance with section 97BF of the Electricity Supply Act 1995, the Tribunal has determined the following factors for the purpose of determining greenhouse gas benchmarks for benchmark participants for 2005:

- (a) NSW pool coefficient for greenhouse gas emissions = 0.913 t CO₂e /MWh
- (b) total State electricity demand = 66,611 GWh
- (c) total State population = 6,812,300
- (d) electricity sector benchmark = 54,225,908 t CO₂e.

These factors may also be viewed on the NSW Greenhouse Gas Abatement Scheme website at www.greenhousegas.nsw.gov.au.

Inquiries to Mr Gary Drysdale (02) 9290 8477.

JAMES COX,
Acting Chairman

Level 2, 44 Market Street, Sydney NSW 2000
(PO Box Q290, QVB Post Office NSW 1230).
Dated: 26 November 2004.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Define a new Address
Locality in the Liverpool City Local Government
Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the locality boundaries to create a new suburb called "Middleton Grange" in the Liverpool City Local Government Area as shown on map GNB3573/A.

The proposed new suburb is located in an area now referred to as the Southern Hoxton Park Development Site and will incorporate parts of the existing suburbs of Cecil Park and West Hoxton.

Plots GNB3573/A showing the proposed boundaries for the new suburb of Middleton Grange, can be viewed at Liverpool City Council Offices and the Office of the Geographical Names Board of New South Wales, Panorama Avenue, Bathurst NSW 2795, from Wednesday, 24 November 2004 until Wednesday, 22 December 2004.

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

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to determine the names and boundaries for address localities Narrandera Local Government Area as shown on map GNB3793/A.

Maps showing the proposed names and boundaries may be viewed at the Narrandera Council Administrative Centre, Narrandera Library, Barellan Post Office, Grong Grong General Store and the office of the Geographical Names Board of New South Wales, Panorama Avenue, Bathurst 2795.

Any person wishing to make comment on this proposal may within one (1) month of the date of this notice give to the Secretary of the Board, notice in writing of that comment, setting out the grounds of the comment.

WARWICK WATKINS,
Chairman

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

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the locality name of "Uroly", which is in the Leeton Shire Council Area, to "Euroley".

A plot showing the amended name can be viewed at Leeton Shire Council Office, The Major Dooley Library and the office of the Geographical Names Board at Panorama Avenue, Bathurst.

Any person objecting to this proposal may within one (1) month of the date of this notice give to the Secretary of the Board, notice in writing of that objection, setting out the grounds of the objection.

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

WARWICK WATKINS,
Chairman

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

LOCAL GOVERNMENT ACT 1993

Cancellation of Registration of Parties

It is hereby notified that pursuant to section 320 of the Local Government Act 1993 that the registration of the following parties are now cancelled:

Hunter Citizens
Kogarah Municipality Combined Progress Association
Randwich Ratepayers and Residents Association
Voice for Eurobodalla Group

COLIN BARRY,
Electoral Commissioner

State Electoral Office
Level 20, 207 Kent Street
Sydney NSW 2000
22 November 2004

MOTOR ACCIDENTS COMPENSATION ACT 1999

Motor Accidents Compensation Regulation (No. 2) 1999

Clause 5 (2) – Notice of Replacement AMA List

PURSUANT to the provisions of Clause 5 of the Motor Accidents Compensation Regulation (No. 2) 1999, notice is given that the document called the List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2004, is recognised as the AMA List and replaces the document called the List of Medical Services & Fees published by the Australian Medical Association and dated 1 November 2003.

This notice is to take effect on and from 1 December 2004.

Dated: Sydney, 17th day of November 2004.

DAVID BOWEN,
General Manager,
Motor Accidents Authority

NATIONAL PARKS AND WILDLIFE ACT 1974

Arakwal National Park

Plan of Management

A draft plan of management for the above Park has been prepared and is available free of charge from:

- Cape Byron Trust Office, Cape Byron Lighthouse, Byron Bay
- NPWS Northern Rivers Region Office, Colonial Arcade, 75 Main Street ALSTONVILLE
- The National Parks Centre, 102 George Street, THE ROCKS
- NPWS Head Office Library, Level 7, 43 Bridge Street, HURSTVILLE

The draft plan is also available on the NPWS website at www.nationalparks.nsw.gov.au.

Written submissions on the draft plan must be received by 28 February 2005 at the NPWS Byron Coast Area, PO Box 127, Byron Bay, NSW 2481.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on this draft plan of management may contain information that is defined as “personal information” under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

SUPREME COURT OF NSW

Practice Note No. 128

Single Expert Witnesses

1. This practice note commences on 31 January 2005.
2. This practice note applies to all proceedings commenced after its commencement in which a claim is made for damages for personal injury or disability.
3. “Single expert witness” means an expert witness jointly retained by the parties or appointed by the court pursuant to this practice note.
4. Unless cause is otherwise shown, a single expert direction will be made in every proceeding and at the earliest practicable time in the course of case management.
5. A “single expert direction”, when made in those terms, means that the following directions are to be taken as having been made, with such variations as may be specified at that time or subsequently:
 - (a) Any expert evidence is confined to that of a single expert witness in relation to any one head of damages, including but not limited to the nature, extent and cost of required nursing care or domestic care (including claims under *Griffiths v Kerkmeyer* and under *Sullivan v Gordon*), physiotherapy, speech therapy, home modification, motor vehicle or aids and equipment, being evidence of the kind customarily given (by way of example) by rehabilitation consultants, occupational therapists, nursing and domestic care providers, architects, builders, motor vehicle consultants, and by aids and equipment suppliers.
 - (b) Evidence may be provided by the same single expert in relation to more than one head of damages provided the expert is appropriately qualified. It is contemplated, however, that there may be a number of single expert witnesses retained or appointed in the one proceedings.
 - (c) In relation to any head of damages as to which any party wishes expert evidence to be adduced, the parties are to agree on a single expert to be retained and are to obtain the concurrence of the expert within 14 days from a date specified in the order as the commencement date of the direction, otherwise within 14 days from the making of the direction.
 - (d) Failing agreement and concurrence within that time, the parties are to notify the court forthwith, and the court will, pursuant to Pt 39, appoint a court expert to be the single expert.
 - (e) Within 14 days from the selection or appointment of a single expert witness, the parties are to brief the expert, in such manner as the parties may agree, with materials sufficient to enable the expert to prepare a report. If the parties do not so agree, they are to notify the court forthwith and the court will give directions as to how the single expert witness is to be briefed.

- (f) If the parties agree or the single expert witness so requests, the plaintiff in the proceedings is to submit to clinical examination by the single expert witness.
- (g) Within 21 days from the date on which a single expert witness is so briefed, the expert is to send his or her report to each of the parties to the proceedings, through their legal representatives.
- (h) A single expert witness may be requested to provide a supplementary report taking into account any new or omitted factual material. The provisions of this practice note apply to such a supplementary report *mutatis mutandis*.
- (i) Any party may, within 14 days from receipt of the report, put a maximum of 10 written questions to the expert, but for the purpose only of clarifying matters in the report unless the court otherwise grants leave. The expert is to answer the questions within 14 days.
- (j) The report of a single expert witness and any question put to the expert and the expert's answer thereto may be tendered by any party at the trial subject to all just exceptions.
- (k) A single expert witness may be cross-examined at the trial by any party.
- (l) A single expert witness's fee for preparation of the report and any supplementary report and for attending court, if required to do so, is to be paid by the parties equally, subject to other agreement or direction and subject to any later order concerning the costs of the proceedings. A single expert witness's fee for answering questions put by a party is to be paid by the party, subject to the same qualification.
- (m) A single expert witness may apply to the court for directions.
6. Nothing in this practice note is intended to require the retaining or appointment of a single expert witness in relation to liability, the nature or extent of injury or disability, or the causation of injury or disability.

Dated: 18 November 2004.

J. J. SPIGELMAN,
Chief Justice

This Practice Note is available on the Supreme Court's website: www.lawlink.nsw.gov.au/sc.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

SPORTING INJURIES COMMITTEE

SYDNEY, 24th November, 2004

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare be this order the

Wee Waa Sports Inc

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Hockey.

IAN EATHER,
A/Chairperson

Date: 24th November, 2004

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determinations

Proposed Additions to the Schedules

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

Endangered Species (Part 1 of Schedule 1)

Phyloria pughi Knowles, Mahony, Armstrong and Donnellan, 2004, a frog

Phyloria richmondensis Knowles, Mahony, Armstrong and Donnellan, 2004, a frog

Endangered Population (Part 2 of Schedule 1)

Acacia pendula A. Cunn. ex G. Don, a tree, population in the Hunter catchment

Endangered Ecological Community (Part 3 of Schedule 1)

Myall Woodland in the Darling Riverine Plain, Brigalow Belt South, Cobar Penneplain, Murray-Darling Depression, Riverina and South Western Slopes bioregions

Newnes Plateau Shrub Swamp in the Sydney Basin Bioregion

Notice of Preliminary Determinations

Proposed Amendments to the Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Mountain Frog *Phyloria kundagungan* (Ingram and Corben 1975) as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, to omit reference to *Phyloria kundagungan* (Ingram and Corben 1975) from Schedule 2 (Vulnerable species) of the Act.

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list Loveridge's Frog *Phyloria loveridgei* Parker 1940 as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, to omit reference to Loveridge's Frog *Phyloria loveridgei* Parker 1940 from Schedule 2 (Vulnerable species) of the Act.

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 28 January, 2005.

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

On the Internet www.nationalparks.nsw.gov.au,

By contacting the Scientific Committee Support Unit,
C/- Department of Environment and Conservation,
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 National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

The National Parks and Wildlife Service is part of the Department of Environment and Conservation.

Associate Professor PAUL ADAM,
Chairperson,
Scientific Committee

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

BATHURST REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Bathurst Regional Council at its meeting of 17th November 2004, resolved to acquire land for public road being Lot 2 in DP 1054180 at Eusdale Road, Yetholme. The land described in the Schedule below has been acquired and is hereby dedicated as council public road pursuant to section 10 of the Roads Act 1993. DAVID SHERLEY, Acting General Manager, Bathurst Regional Council, PMB 17, Bathurst NSW 2795.

SCHEDULE

Lot 2, DP 1054180, Parish of Eusdale, County of Roxburgh. [0834]

BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993, Section 39

Closure of Temporary Public Road
Linking Samantha Riley Drive to Fraser Avenue,
Kellyville

THE Baulkham Hills Shire Council hereby advises that pursuant to section 39 of the Roads Act 1993, it intends to close to vehicular traffic the temporary public road linking Samantha Riley Drive to Fraser Avenue, Kellyville. The temporary public road is situated on Lot 134, DP 862283. On publication of this notice the temporary public road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Dated at Castle Hill this 24th Day of November 2004. DAVID MEAD, General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill NSW 1765. [0851]

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10(1)

Notice of Dedication of Land as Public Roads

NOTICE is hereby given by Blacktown City Council that in pursuance of section 10(1), Division 1 of Part 2 of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as public road. Signed at Blacktown on 16th November 2004. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lot 112 in DP 851261. [0838]

GREATER TAREE CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2 – Roads, Division 2 – Naming of Roads

NOTICE is hereby given that Taree City Council, in pursuance of the above act and regulations, has named a new road currently under construction within Harrington Waters Estate,

Harrington as Pretoria Parade. Pretoria Parade will run off Harrington Road. PHIL PINYON, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [0847]

HAWKESBURY CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, Hawkesbury City Council dedicates land owned by Council and described in the Schedule below, as a public road. The subject land is situated at Settlers Road, St Albans. G. FAULKNER, General Manager, Hawkesbury City Council, PO Box 146, Windsor NSW 2756. File Reference: R2320/845.

SCHEDULE

Lot 1 Deposited Plan 1030490; Lot 2 Deposited Plan 1030490. [0841]

INVERELL SHIRE COUNCIL

Naming of Roads

IN accordance with section 162 of the Roads Act 1993, it is notified that Council has adopted the names of:

Old Road Name	New Road Name	Location
Byron Lane	Byron Station Lane	Off Ashford Road west to Byron Station
Unnamed lane	Tullochard East Lane	Off Gwydir Highway west running in a northerly direction and ending at the property "Tullochard".
Unnamed lane	Innes Glen Lane	Off Nullamanna Road, Nullamanna heading north.

By Order of Council, 28th September 2004 – Resolution No. 244/04. By Order of Council, 24th August 2004 – Resolution No. 215/04. P. J. HENRY, General Manager, Inverell Shire Council, Administration Centre, 144 Otho Street, Inverell NSW 2360. [0837]

MURRAY SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Murray Shire Council declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 below, excluding any mines or deposits of minerals in the land and excluding the interests set out in Schedule 2 is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a childcare centre. Dated at Mathoura this 18th day of November 2004. BARRY BARLOW, General Manager, Murray Shire Council, PO Box 21, Mathoura, NSW 2710.

SCHEDULE 1

Lot 272, DP 1073428.

SCHEDULE 2

Easement for electricity purposes variable width over Lot 272, DP 1073428 as shown in DP 1073428. [0832]

WOLLONGONG CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

WOLLONGONG City Council declares with the approval of her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of creation of the Mount Kembla Mine Memorial Pathway. Dated at Wollongong this 17th day of November 2004. ROD OXLEY, General Manager, Locked Bag 8821, South Coast Mail Centre NSW 2521.

SCHEDULE

Lot 1, DP 1061983; Lot 2, DP 1061983; Lot 1, DP 376906. [0845]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CHARLOTTE COLLEEN PEARCE (also known as COLLEEN CHARLOTTE PEARCE), late of 18 Killarney Avenue, Blacktown, in the State of New South Wales, widow, who died on 1st September 2004, must send particulars of his/her claim to the executor, Garry Allan Pearce, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown NSW 2148, 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 executor has notice. Probate was granted in New South Wales on 1st November 2004. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street (PO Box 147), Blacktown NSW 2148, tel.: (02) 9622 4644. [0833]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of RONALD WHEATLEY, late of Liverpool, in the State of New South Wales, who died on 20th August 2004, must send particulars of his claim to the executor, c.o. Kencalo & Kencalo, Solicitors, 96 Moore Street, Liverpool NSW 2170, 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 conveyance or distribution the executors have notice. Probate was granted in New South Wales on 1st November 2004. KENCALO & KENCALO, Solicitors, 96 Moore Street, Liverpool NSW 2170 (PO Box 651, Liverpool BC 1871), (DX5003, Liverpool), tel.: (02) 9602 8333. [0835]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JUDITH ANN TINNING, late of Wollstonecraft, in the State of New South Wales,

teacher, who died on 9th June 2004, must send particulars of the claim to the executors' solicitors, c.o. Mervyn Finlay, Thorburn & Marshall, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 2nd November 2004. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, (DX796, Sydney), tel.: (02) 9223 6575. Reference: Diana Thorburn. [0840]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PATRICK STANISLAUS NEWMAN, late of Harbord, in the State of New South Wales, retired, who died on 7th July 2004, must send particulars of their claim to the executrices, Genevieve Mary Caudery and Anne-Marie Newman, c.o. Messrs Grogan & Webb, Solicitors, Zenith Centre, Tower A, Level 19, 821 Pacific Highway, Chatswood NSW 2067, within one (1) calendar month from publication of this notice. After that time the executrices 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 10th September 2004, No. 114975/04. MESSRS GROGAN & WEBB, Solicitors, Zenith Centre, Tower A, Level 19, 821 Pacific Highway, Chatswood NSW 2067 (PO Box 5185, West Chatswood NSW 1515), tel.: (02) 9411 3511. [0848]

COMPANY NOTICES

NOTICE of general meeting of members.—MILTON STYLES PTY LTD, ACN 000 489 725 (in liquidation).—Notice is hereby given in pursuance of subsection 509(3) and (4) of the Corporations Law that a general meeting of the members of the abovenamed company will be held on 22nd December 2004, at 10:00 a.m., at the office of Crosbie Warren Sinclair, 1 Warabrook Boulevard, Warabrook NSW 2304, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 22nd day of November 2004. RICHARD JAMES SOUTH, Liquidator, c.o. Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000. [0836]

NOTICE of meeting of members.—MACEYS HOLDINGS PTY LIMITED, ACN 001 586 287 (in liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the general meeting of members of the abovenamed company will be held at the office of K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto NSW 2283, on the 20th day of December 2004, at 10:00 a.m., for the purpose of laying before the meeting the liquidators' general account and report and giving any explanation thereof. Dated this 19th day of November 2004. IAN PERRY, Liquidator, c.o. K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard (PO Box 20), Toronto NSW 2283, tel.: (02) 4969 5322. [0842]

NOTICE of meeting of members.—MACEYS TRANSPORT PTY LIMITED, ACN 001 003 194 (in liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the annual meeting of members of the abovenamed company will be held at the office of K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto NSW 2283, on the 20th day of December 2004, at 10:00 a.m., for the purpose of laying before the meeting the liquidators' annual account and report and giving any explanation thereof. Dated this 19th day of November 2004. IAN PERRY, Liquidator, c.o. K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard (PO Box 20), Toronto NSW 2283, tel.: (02) 4969 5322. [0843]

NOTICE of meeting of members.—MACEYS PROPERTIES PTY LIMITED, ACN 000 855 541 (in liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the annual meeting of members of the abovenamed company will be held at the office of K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto NSW 2283, on the 20th day of December 2004, at 10:00 a.m., for the purpose of laying before the meeting the liquidators' annual account and report and giving any explanation thereof. Dated this 19th day of November 2004. IAN PERRY, Liquidator, c.o. K. H. Perry & Co., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard (PO Box 20), Toronto NSW 2283, tel.: (02) 4969 5322. [0846]

NOTICE of appointment as liquidator.—PUNKINA HOUSING CO-OPERATIVE LIMITED.—Take notice that following upon the giving by the Registrar on 12th October 2004, of a certificate under section 324(1) of the Co-operatives Act 1992, in relation to the abovementioned co-operative, the undersigned was on 15th November 2004, appointed as the liquidator of the co-operative under section 324(3) of the Co-operatives Act 1992. Dated 23rd November 2004. PAUL JAMES CAMPION, Liquidator, 10 Bank Street, Wellington NSW 2820. [0844]

NOTICE of voluntary liquidation.—A A GLENN MECHANICAL REPAIRS PTY LIMITED, ACN 000 745 326.—Notice is hereby given that pursuant to section 491(2) of the Corporations Act 2001, that at a General Meeting of the abovenamed Company, duly convened and held at 24 Northern Road, Narellan NSW 2567, on 15th November 2004, at 10:00 a.m., the following special resolution passed: "That the Company be wound up as a members' voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire". Dated this 15th day of November 2004. PHILLIP R ESCOTT, Liquidator, c.o. Escott Aston, Chartered Accountants, PO Box 505, Riverwood NSW 2210, tel.: (02) 9534 5733. [0849]

NOTICE of voluntary winding up.—PAIGNTON PTY LTD, ACN 000 428 526 (in voluntary liquidation).—At a general meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000, on 23rd November 2004, the following resolutions were passed: 1. Special resolution – "that the company be wound up voluntarily". 2. "that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company". David Iliffe, Director. S B HUMPHRYS, Liquidator, c.o. Moore Stephens WI, Chartered Accountants, CML Building, Level 5, 14 Martin Place, Sydney NSW 2000, tel.: (02) 8236 7700. [0850]

OTHER NOTICES

NOTICE of election of trustees.—ANGLICAN DIOCESE OF NEWCASTLE.—In pursuance of the provisions of the Anglican Church of Australia Trust Property Act 1917, it is hereby notified that Malcolm Loudon McDonald was, on 4th November 2004, in the place of Robert James Baldwin, resigned, elected a member of the Trustees of Church Property for the Diocese of Newcastle. Roger, Newcastle, Bishop of Newcastle. TIM MAWSON, Acting Diocesan Manager, Anglican Diocese of Newcastle, Diocesan Office, 51 Newcomen Street, Newcastle NSW 2300. [0839]

ISSN 0155-6320

Authorised to be printed
ROBERT J. GALLAGHER, Government Printer.