



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 15 June 2004

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

Act No.35 2004 – An Act to amend the Stock Diseases Act 1923 with respect to disease in artificial breeding material; to repeal the Stock (Artificial Breeding) Act 1985; and for other purposes. [Stock Diseases Amendment (Artificial Breeding) Bill]

Act No.36 2004 – An Act to constitute the Greyhound and Harness Racing Regulatory Authority; to constitute the Greyhound and Harness Racing Appeals Tribunal; to make consequential amendments to certain Acts; and for other purposes. [Greyhound and Harness Racing Administration Bill]

Act No.37 2004 – An Act to make miscellaneous amendments to various Acts and a Regulation that relate to health and associated matters; and for other purposes. [Health Legislation Amendment Bill]

Act No.38 2004 – An Act to facilitate filming in national parks, marine parks and certain other areas under the National Parks and Wildlife Act 1974 and the Marine Parks Act 1997; and for other purposes. [Filming Approval Bill]

RUSSELL D. GROVE, P.S.M.,
Clerk of the Legislative Assembly

Proclamations



Proclamation

under the

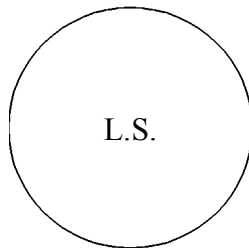
Architects Act 2003 No 89

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Architects Act 2003*, do, by this my Proclamation, appoint 30 June 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 23rd day of June 2004.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



Proclamation

under the

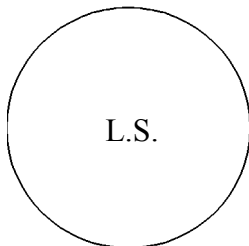
Bail Amendment (Firearms and Property Offences) Act 2003 No 84

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 *Bail Amendment (Firearms and Property Offences) Act 2003*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act (except Schedule 1 (1)) commences.

Signed and sealed at Sydney, this 23rd day of June 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The Proclamation commences the provisions of the *Bail Amendment (Firearms and Property Offences) Act 2003*, except an amendment which has been superseded by an amendment made by the *Bail Amendment (Terrorism) Act 2004*.



Proclamation

under the

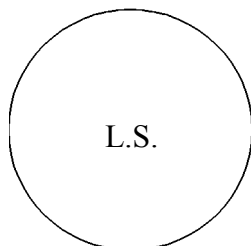
Fisheries Management Amendment Act 2004 No 26

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 Amendment Act 2004*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act, except Schedule 1 [42] and [48], commences.

Signed and sealed at Sydney, this 23rd day of June 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 *Fisheries Management Amendment Act 2004* except for the provisions that revise the definition of **harm** for the purposes of offences relating to protected marine vegetation.



Proclamation

under the

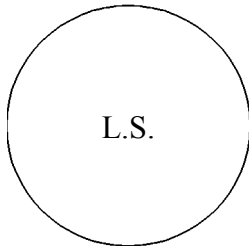
Radiation Control Act 1990 No 13

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 *Radiation Control Act 1990*, do, by this my Proclamation, appoint 1 July 2004 as the day on which section 8 of that Act commences.

Signed and sealed at Sydney, this 23rd day of June 2004.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence section 8 of the *Radiation Control Act 1990*, which makes an occupier of premises on which certain radioactive substances are kept or used liable for an offence unless the premises are registered under that section.



Proclamation

under the

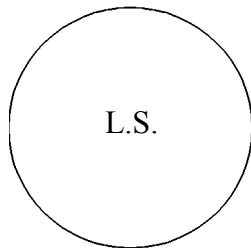
Thoroughbred Racing Legislation Amendment Act 2004 No 23

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 *Thoroughbred Racing Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 23rd day of June 2004.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



Proclamation

under the

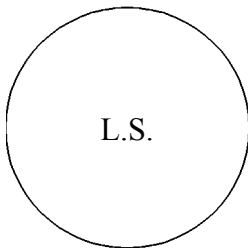
Transport Administration Amendment (Sydney Ferries) Act 2003
No 99

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 *Transport Administration Amendment (Sydney Ferries) Act 2003*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 23rd day of June 2004.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Regulations



Architects Regulation 2004

under the

Architects Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Architects Act 2003*.

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

Explanatory note

The objects of this Regulation are as follows:

- (a) to establish a code of professional conduct for architects,
- (b) to make provision for the appointment of academic members of the NSW Architects Registration Board (the *Board*) and the election of architects to the Board,
- (c) to declare additional kinds of conduct by architects that are to constitute professional misconduct for the purposes of the Act,
- (d) to limit the fees that can be charged by the Board in respect of enquiries about complaint procedures against architects,
- (e) to prescribe other matters of a minor, ancillary, consequential or transitional nature.

This Regulation is made under the *Architects Act 2003*, including sections 7 (1), 16 (1) (a) and (b) and 25 (5), paragraph (b) of the definition of *professional misconduct* in section 32, sections 36 (2) (f), 60 (1) (c) and (d), (3) and (6), 68 (2) (b) and 84 (the general regulation-making power) and clause 1 of Schedule 3.

With the exception of Part 3, clause 11 and Schedule 1, this Regulation comprises or relates to matters of a machinery nature or a savings or transitional nature.

Architects Regulation 2004

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Architects Regulation 2004

Clause 1

Preliminary

Part 1

Architects Regulation 2004

under the

Architects Act 2003

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Architects Regulation 2004*.

2 Commencement

This Regulation commences on 30 June 2004.

3 Definitions

(1) In this Regulation:

NSW Architects Code of Professional Conduct means the code of professional conduct established by clause 7 and set out in Schedule 1.

the Act means the *Architects Act 2003*.

(2) Notes included in this Regulation (other than in Schedule 3) do not form part of this Regulation.

Clause 4 Architects Regulation 2004

Part 2 Registration

Part 2 Registration

4 Prescribed architectural qualifications for registration as architect

Each of the following architectural qualifications is prescribed for the purposes of section 16 (1) (a) of the Act:

- (a) the Degree of Bachelor of Architecture from the University of New South Wales,
- (b) the Degree of Bachelor of Architecture from the University of Newcastle,
- (c) the Degree of Bachelor of Architecture from the University of Sydney,
- (d) the Degree of Bachelor of Architecture from the University of Technology, Sydney.

5 Prescribed criteria for accreditation of courses of study for registration as architect

The following criteria are prescribed for the purposes of section 16 (1) (b) of the Act:

- (a) the course must provide instruction in each of the following:
 - (i) the design of buildings (being the major component of the course),
 - (ii) technological and environmental issues relating to the practice of architecture,
 - (iii) social and cultural issues relating to the practice of architecture,
 - (iv) professional studies relating to the conduct and management of an architectural practice,
- (b) the course must require practical exercises to be completed in the architectural design of buildings,
- (c) the course must provide clear criteria for the evaluation of any practical exercises in the architectural design of buildings that are required for completion in the course.

6 Particulars to be recorded in the Register

- (1) The following particulars are to be recorded in the Register in respect of each architect:
 - (a) the address of the architect,

Architects Regulation 2004

Clause 6

Registration

Part 2

-
- (b) whether the architect is a practising architect or a non-practising architect,
 - (c) whether or not the architect has submitted any forms that the architect is required by the Registrar to submit,
 - (d) if the architect is or has been a nominated architect:
 - (i) the name of each corporation or firm for which the architect is or has been a nominated architect, and
 - (ii) the total number of corporations or firms for which the architect is currently a nominated architect, and
 - (iii) the commencement date and end date (if any) for each period during which the architect is or was a nominated architect for the corporation or firm concerned.

Note. Section 25 (1) of the Act provides for the Registrar to establish and maintain a register of architects (the **Register**) for the purposes of the Act, and for the purposes of Part 3 of the *Licensing and Registration (Uniform Procedures) Act 2002*, as applied by section 22 of the Act. Section 49 of the *Licensing and Registration (Uniform Procedures) Act 2002* makes provision with respect to the particulars to be recorded in the Register. These particulars include the following:

- (a) the name of the registered person,
- (b) the kind of registration it is, whether by reference to the relevant provision of the Act or otherwise,
- (c) the authority conferred by registration and (in the case of registration that is subject to discretionary conditions) a statement to that effect,
- (d) the date on which registration comes into force and (in the case of fixed-term registration) the date on which registration expires.

The particulars to be recorded in the Register that are prescribed above are in addition to those required to be recorded under section 49 of the *Licensing and Registration (Uniform Procedures) Act 2002*.

- (2) For the purposes of subclause (1) (a), the address of the architect to be recorded in the Register is to be:
 - (a) if the architect has a business address—the business address of the architect or, if the architect so requests, the residential address of the architect, or
 - (b) if the architect has no business address—the residential address of the architect.
- (3) The Registrar may, for the purposes of subclause (1) (a) and (2), record in the Register only the suburb and postcode of an architect's address if:
 - (a) the Registrar is satisfied that the disclosure of the full address of the architect in the Register would be likely to place at risk

Clause 6 Architects Regulation 2004

Part 2 Registration

- the health or safety of the architect or to place the architect at risk of intimidation or harassment, and
- (b) the Registrar keeps a separate record of the full address of the architect for the purposes of the administration of the Act.
- (4) The Registrar may record that an architect is a non-practising architect for the purposes of subclause (1) (b) only if the Registrar is satisfied that:
- (a) the architect has retired from the practice of architecture, or
 - (b) the architect has demonstrated that he or she is not likely to practice as an architect for the foreseeable future.
- (5) If an architect is recorded in the Register as being a non-practising architect, the Registrar may not alter the Register to record that the architect is a practising architect for the purposes of subclause (1) (b) unless the architect has demonstrated to the Board's satisfaction that the architect's architectural skills and knowledge are current.

Architects Regulation 2004

Clause 7

Professional conduct

Part 3

Part 3 Professional conduct

7 NSW Architects Code of Professional Conduct

The code set out in Schedule 1 is established as a code of professional conduct for the purposes of section 7 (1) of the Act.

Note. Section 7 (1) of the Act enables regulations to be made under the Act for the establishment of a code of professional conduct setting out guidelines that should be observed by architects in their professional practice.

8 Professional misconduct

Conduct of an architect that involves a substantial or consistent failure to reach reasonable standards of competence and diligence for an architect is declared to be professional misconduct for the purposes of the Act.

Clause 9 Architects Regulation 2004

Part 4 The Board

Part 4 The Board

9 Manner of appointment of academic members to Board: sec 60 (1) (c)

- (1) In this clause, *academic member* means a member of the Board appointed under section 60 (1) (c) of the Act.

Note. Section 60 (1) (c) of the Act provides that one of the members of the Board is to be an architect who is to be an academic who teaches architecture at a relevant educational institution and who is appointed by the governing bodies of relevant educational institutions in accordance with the regulations. Relevant educational institutions for this purpose are prescribed by clause 13.

- (2) For the purposes of section 60 (1) (c) of the Act, an academic member is to be appointed as provided by this clause.
- (3) The first appointment to be made after the commencement of this Regulation is to be made by the Council of the University of Newcastle.
- (4) If an academic member appointed by the governing body of a relevant educational institution specified in Column 1 of the Table to this subclause vacates office, the next appointment to the vacated office is to be made by the governing body of the relevant educational institution specified in Column 2 of the Table opposite the name of the governing body that appointed the member who has vacated office.

Table

Column 1	Column 2
Governing body that appointed member vacating office	Governing body that may appoint new member to vacated office
Council of the University of Newcastle	Council of the University of New South Wales
Council of the University of New South Wales	Senate of the University of Sydney
Senate of the University of Sydney	Council of the University of Technology, Sydney

Architects Regulation 2004

Clause 10

The Board

Part 4

Column 1**Column 2****Governing body that appointed member vacating office****Governing body that may appoint new member to vacated office**

Council of the University of Technology, Sydney

Council of the University of Newcastle

10 Manner of conduct of elections of members to Board: sec 60 (1) (d)

For the purposes of section 60 (1) (d) of the Act, the election of architects to be members of the Board is to be held and conducted in the manner set out in Schedule 2.

11 Board cannot charge certain fees in relation to complaints under Part 4 of Act

Any service provided by the Board to another person in connection with any enquiry about the procedures for the making of, or dealing with, a complaint under Part 4 of the Act is prescribed for the purposes of section 68 (2) (b) of the Act.

Clause 12 Architects Regulation 2004

Part 5 Miscellaneous

Part 5 Miscellaneous

12 Persons who may verify complaints made under Part 4 of Act

- (1) The following classes of persons are prescribed for the purposes of section 36 (2) (f) of the Act:
 - (a) architects who have been registered as architects for a continuous period of at least 5 years,
 - (b) barristers or solicitors within the meaning of the *Legal Profession Act 1987* who have held practising certificates under that Act for a continuous period of at least 5 years.
- (2) Any period during which an architect was registered as a chartered architect or non-chartered architect under the *Architects Act 1921* is to be taken into account in determining whether an architect has been registered, for the purposes of subclause (1) (a), as an architect for a continuous period of at least 5 years.

13 Relevant educational institutions: sec 60 (6)

The following institutions are prescribed for the purposes of the definition of *relevant educational institution* in section 60 (6) of the Act:

- (a) University of New South Wales,
- (b) University of Newcastle,
- (c) University of Sydney,
- (d) University of Technology, Sydney.

14 Savings, transitional and other provisions

Schedule 4 has effect.

Architects Regulation 2004

NSW Architects Code of Professional Conduct

Schedule 1

Schedule 1 NSW Architects Code of Professional Conduct

(Clauses 3 (1) and 7)

Introductory note

The following Code of Professional Conduct provides architects and their clients with a statement of the standards required of architects when engaged to provide architectural services. It reflects the principle that the public interest is advanced if all architects recognise that the fundamental and overriding obligation of a profession is to serve and promote the public interest. While an architect has a duty to the client, the Code also recognises that there is a parallel duty to the public.

The Code is intended to inform and guide architects as to what is expected of them in their professional conduct and in the provision of architectural services to clients. It will also enable clients:

- (a) to understand the standards expected of an architect and the level of accountability expected of them in the provision of architectural services, and
- (b) to understand the obligations imposed on them as clients, and
- (c) to develop reasonable expectations of the services to be provided.

The Code is divided into 8 Parts.

Part 1 defines terms used in the Code and sets out the objectives of the Code.

Parts 2–8 detail the standards of behaviour expected of architects in their professional practice. Architects should use their best endeavours to meet those standards by applying their professional judgment. The standards relate to general practice standards, dealings with clients, insurance coverage, continuing professional education, alternative dispute resolution, dealings with the public and professional relationships with other architects.

A failure to comply with the Code will constitute unsatisfactory professional conduct for the purposes of the *Architects Act 2003* and may be grounds for disciplinary action under Part 4 of that Act.

Part 1 Preliminary

1 Name of Code

This Code is the *NSW Architects Code of Professional Conduct*.

2 Interpretation

- (1) In this Code:

architect has the same meaning as in the Act.

Note. Section 4 (1) of the Act defines **architect** to mean a person who is registered as an architect under the Act.

Architects Regulation 2004

Schedule 1 NSW Architects Code of Professional Conduct

architectural service has the same meaning as in the Act.

Note. Section 4 (1) of the Act defines **architectural service** to mean a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects.

Board means the NSW Architects Registration Board constituted under the Act.

client means a person who engages an architect (whether or not for payment) to provide an architectural service.

document means any record of information, and includes:

- (a) anything on which there is writing, or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or
- (d) a map, plan, drawing or photograph.

financial year means a year commencing on 1 July and ending on 30 June.

home design service means any architectural service provided to a client by an architect in respect of any existing or proposed building (or any part of any existing or proposed building) that is, or is intended to be, used as a dwelling (within the meaning of the *Home Building Act 1989*), whether or not by the client.

Note. Section 3 (1) of the *Home Building Act 1989* defines **dwelling** to mean a building or portion of a building that is designed, constructed or adapted for use as a dwelling (such as a detached or semi-detached house, transportable house, terrace or town house, duplex, villa-home, strata or company title home unit or residential flat). It includes any swimming pool or spa constructed for use in conjunction with a dwelling and such additional structures and improvements as are declared by the regulations under that Act to form part of a dwelling. However, it does not include buildings or portions of buildings declared by the regulations under that Act to be excluded from the definition.

model home design client agreement means any model client agreement relating to home design developed by the Board for use by architects.

non-practising architect means an architect who is recorded in the Register kept under the Act as being a non-practising architect.

the Act means the *Architects Act 2003*.

the Regulation means the *Architects Regulation 2004*.

Architects Regulation 2004

NSW Architects Code of Professional Conduct

Schedule 1

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- (2) If a provision of this Code provides that an architect should provide information or disclose a matter to a client, the architect is to provide that information or disclose that matter in writing except where it is reasonable in the circumstances for it to be done orally.
 - (3) Nothing in subclause (2) permits an architect to provide information or disclose a matter orally if the provision in question expressly provides for it to be done in writing.

3 Objectives of Code

The objectives of the Code are as follows:

- (a) to define for the community, architects and clients the reasonable standards of conduct expected from architects in their professional practice,
- (b) to facilitate the establishment of professional relationships between architects and their clients based on reasonable expectations concerning professional standards and the cost of architectural services,
- (c) to promote community confidence in the architectural profession.

Part 2 General practice standards

4 Provision of architectural services generally

- (1) In providing architectural services, an architect should:
 - (a) act with integrity and reasonable care, and
 - (b) provide the services:
 - (i) in a manner that (at the time the service is provided) is widely accepted in Australia by peer professional opinion as competent professional architectural practice, and
 - (ii) in conformity with any laws applicable to the provision of such services.
- (2) An architect should provide architectural services to a client:
 - (a) with reasonable promptness, and
 - (b) in accordance with any agreed time program or in a reasonable time as far as is permitted by the provision of instructions to the architect by the client.

Architects Regulation 2004

Schedule 1 NSW Architects Code of Professional Conduct

- (3) An architect should withdraw from the provision of any architectural service if the architect reasonably believes in the architect's professional judgment that the provision of the service would require the architect to act:
 - (a) in a manner that the architect considers unethical, or
 - (b) in contravention of the Act, the Regulation or this Code.
- (4) An architect should not offer to clients, without proper disclosure and the informed consent of the client, architectural services outside the architect's skill, competency or experience or that of other architects under the architect's supervision.
- (5) If an architect considers that it would be prudent for a client to obtain any specialist advice or service from a person other than an architect (for example, an engineer) concerning an issue arising in connection with the provision of an architectural service, the architect should inform the client of this if it is reasonably practicable for the architect to do so.

5 Disclosure of conflicts of interest

- (1) Before an architect enters into a contract or other arrangement to provide architectural services to a client or an employer, the architect should:
 - (a) disclose to the client or employer if a conflict of interest exists, or is likely to exist in the future, between the interests of the client or employer and the interests of the architect (or an existing client of the architect), and
 - (b) if the conflict of interest exists, or could reasonably be expected to arise in the future, because of the interests of an existing client—obtain the informed consent of the existing client to the contract or arrangement.
- (2) An architect should disclose to a client, or to a prospective client, for an architectural service if the architect has received any payment or other advantage for endorsing, or making comments about, any product or service likely to be used in connection with the provision of the architectural service.
- (3) An architect should not accept an engagement to provide architectural services to a client referred to the architect by a third party to whom the architect has given or offered to provide a fee or other benefit for the referral of clients or potential clients unless the architect has first disclosed to the client the architect's arrangement with the third party.

Architects Regulation 2004

NSW Architects Code of Professional Conduct

Schedule 1

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- (4) An architect should not act for a client in any dealing with a third party from whom the architect may receive (whether directly or indirectly) any fee or other benefit in respect of that dealing unless before acting for the client in the dealing:
- (a) the architect has disclosed to the client in writing the nature and value of any fee or other benefit that may be received by the architect, and
 - (b) the architect has obtained the consent of the client to the dealing.

Part 3 Standards concerning dealings with clients

6 Provision of information to clients and prospective clients

- (1) An architect should provide sufficient relevant information with reasonable promptness to enable a client or prospective client to make an informed decision in relation to the provision of architectural services.
- (2) In particular, the architect should take all reasonable steps to:
 - (a) ensure that all information and material provided is truthful, accurate and unambiguous and relevant to the client's interests, and
 - (b) provide a client with information about an architectural service that is sufficient to enable the client to make decisions about the provision of the service and that clearly identifies the implications of various decisions that could be made by the client about the service, and
 - (c) avoid making misleading or false comparisons with architectural services provided by competitors.
- (3) An architect should take all reasonable steps to ensure that a client is informed of:
 - (a) the decisions required of the client in respect of the architectural service being provided by the architect, and
 - (b) the implications of those decisions for the performance of the service (particularly those implications related to timeliness, cost and changes to the service and any building or building related work consequential to the service).

Architects Regulation 2004

Schedule 1 NSW Architects Code of Professional Conduct

- (4) An architect should advise a client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements for the architectural service concerned.
- (5) An architect should not disclose to any person any information agreed as, or understood to be, confidential that is acquired from or provided by a client in the course of the provision of an architectural service by the architect unless authorised to do so by the client in writing or as required by law.
- (6) An architect should, with reasonable promptness, respond to a client's reasonable requests for information or other communications concerning an architectural service being provided by the architect to the client.

7 Client agreements

- (1) An architect should enter into a written agreement with the client concerning the provision of an architectural service.
- (2) The architect should ensure that the written agreement:
 - (a) specifies the scope and nature of, and requirements for, the service to be provided, and
 - (b) specifies the cost of the service to be provided and the arrangement for payment (including, where possible, estimates of disbursements and arrangements for their payment), and
 - (c) specifies the method of reporting to the client on the provision and progress of the service to be provided, and
 - (d) states the registration number of the architect responsible for the service to be provided, and
 - (e) makes provision for arrangements for:
 - (i) obtaining the client's authorisation to proceed with the service described in the agreement, and
 - (ii) obtaining the client's authorisation to change or amend the service described in the agreement and fees arising from such a change or amendment, and
 - (iii) the application of any pre-existing agreement to the provision of other services for the client, and
 - (f) makes provision for the termination of the service by either party, and

Architects Regulation 2004

NSW Architects Code of Professional Conduct

Schedule 1

-
- (g) makes provision for the withdrawal by the architect from the provision of the service in the circumstances referred to in clause 4 (3) of this Code, and
 - (h) makes provision for contacting the architect at the place of business of the architect within normal business hours.
- (3) The architect should ensure that the cost of architectural services provided to a client:
 - (a) reflects the fee structure specified in such an agreement, and
 - (b) accurately reflects the amount of work done or to be done for the client in the provision of the services (including any variations to the services).
 - (4) The architect should enter into such a written agreement before commencing to provide the architectural service concerned. However, if the service to be provided is urgent, the agreement should be provided to the client within 10 business days of commencing to provide the service.
 - (5) If the architect is to provide a home design service, the written agreement may be in the form of the current model home design client agreement (if any).

8 Building contracts

- (1) For the purposes of this clause, an architect administers a building contract on behalf of a client if:
 - (a) the contract concerns the construction of a building and is entered into by the client with a builder (the ***building contractor***), and
 - (b) the architect is not a party to the contract, and
 - (c) the architect has been engaged by the client to inspect and administer the provision of services by the building contractor under the contract.
- (2) If an architect is administering a building contract on behalf of a client, the architect:
 - (a) should act with fairness and impartiality in administering the contract, and
 - (b) should discharge the architect's obligations in connection with the administration of the contract diligently and promptly, and

Architects Regulation 2004

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- (c) should provide the client with relevant information about the administration of the contract in a timely manner, and
- (d) should not seek or receive any payments or other inducements from any person wishing to influence the architect to administer the contract for the benefit or detriment of any party to the contract.

9 Deposits and retainers

- (1) Unless otherwise expressly agreed by an architect and the architect's client, the architect should not seek or accept a retainer or deposit for the provision of any architectural services to be provided if that retainer or deposit is more than 10% of the reasonably expected or agreed total fee for the services to be provided.
- (2) Subclause (1) does not apply to an architect in connection with the provision of any architectural service:
 - (a) to any individual who does not reside within Australia, or
 - (b) to any firm or corporation that does not have a place of business within Australia, or
 - (c) in relation to the construction of a building outside of Australia.

10 Record keeping

- (1) If an architect provides an architectural service to a client, the architect should maintain records of the following:
 - (a) correspondence sent and received concerning any such service,
 - (b) financial transactions concerning any such service,
 - (c) client instructions and meetings held with the client concerning the service,
 - (d) drawings, photographs of works in progress, project journals and diaries created in connection with providing the service.
- (2) Any such records may be maintained in hard copy or electronic form.
- (3) If any such records are maintained in electronic form, the architect should maintain adequate electronic copies of the records to enable the records to be restored should one electronic copy be destroyed or damaged.

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- (4) Any such records should be maintained for a period that is not less than 6 years after the completion of the architectural service concerned.

11 Provision of statements of account

Unless otherwise expressly agreed by an architect and the architect's client, the architect should provide the client with regular statements of account for any architectural service provided.

12 Inspection of documents by client

- (1) If a client of an architect provides the architect with reasonable notice of the client's wish to inspect documents and records relating to the provision of an architectural service, the architect should (where practicable and during normal business hours) provide the client with a reasonable opportunity:
- (a) to inspect:
 - (i) documents produced in providing the architectural service, and
 - (ii) records (except confidential business records) relating to the provision of the service, and
 - (b) to make copies (at the client's expense) of any such documents or records.
- (2) An architect should not unreasonably refuse to provide a client with an opportunity to inspect or copy the documents or records referred to in subclause (1).
- (3) Nothing in this clause derogates from any right of an architect to claim a lien over documents or records referred to in subclause (1) or to assert any intellectual property rights in respect of such documents or records.

13 Maintaining knowledge of architectural services to be provided

An architect in charge of a client's architectural project should maintain a thorough knowledge of the architectural services to be provided in relation to that project and of matters relating to the performance of those services.

14 Advising client of inability to follow client's instructions

An architect should, as soon as is reasonably practicable, advise the client in writing of any thing that would, or would be likely to,

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prevent the client's instructions relating to an architectural service being followed, including the responsibility of an architect to withdraw from the provision of the service under clause 4 (3) of this Code.

15 Provision of copies of this Code

- (1) An architect should make a copy of this Code available for inspection by a prospective client for an architectural service.
- (2) An architect who is engaged to provide an architectural service to a client should provide the client with a copy of this Code before commencing to provide the service or as soon as is reasonably practicable after commencing to provide the service.

Part 4 Standards concerning insurance coverage**16 Professional indemnity insurance**

- (1) Subject to any requirements of the Act or the Regulation, an architect should:
 - (a) maintain a policy of professional indemnity insurance during each financial year appropriate for the architectural services being provided by the architect, and
 - (b) provide each client of the architect with information relating to the insurance maintained by the architect for the architectural services to be provided to the client.
- (2) On the application of an architect, the Board may, by order in writing, grant an exemption to the architect from the provisions of subclause (1) if:
 - (a) the Board is satisfied that the architect has commenced practice as an architect only very recently, or
 - (b) the Board is otherwise satisfied that it would not be appropriate in the circumstances for the architect to comply with the provisions of subclause (1).
- (3) Subclause (1) does not apply to:
 - (a) any architect in respect of the provision of an architectural service if:
 - (i) the person engaged to provide the service is not the architect, and

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- (ii) the architect is providing the service only as an employee of that person and not on the architect's own account, or
 - (b) any non-practising architect, or
 - (c) any architect who has been granted an exemption by the Board under subclause (2).

Part 5 Standards concerning continuing professional education

17 Continuing professional education

- (1) An architect should take all reasonable steps during each financial year to maintain and improve the skills and knowledge necessary for the provision of the architectural services that the architect normally provides through:
 - (a) undertaking such activities that the Board is satisfied demonstrate the maintenance and improvement of the architect's skill and knowledge, or
 - (b) such other means as may be approved by the Board from time to time.
- (2) Subclause (1) does not apply to any non-practising architect.

Part 6 Standards concerning dispute resolution

18 Architects to promote alternative dispute resolution mechanisms

- (1) An architect should inform a prospective client that a written agreement between the architect and the prospective client in respect of the provision of architectural services may provide for alternative dispute resolution to be used to resolve disputes between them instead of court proceedings.
- (2) Without limiting subclause (1), an architect complies with subclause (1) in relation to a prospective client for the provision of a home design service if:
 - (a) the current model home design client agreement (if any) includes provisions for alternative dispute resolution, and
 - (b) the architect draws the prospective client's attention to those provisions.

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Schedule 1 NSW Architects Code of Professional Conduct

Part 7 Standards concerning the public**19 Maintaining public confidence in architectural profession**

An architect should seek to avoid undermining the confidence of the public in the architectural profession by the architect's conduct in his or her professional practice.

20 Promotion of architecture and current standards

An architect should, in the architect's professional practice, take reasonable steps, given the architect's circumstances and opportunities, to promote the advancement of architecture and reflect the current standards of architectural proficiency, education, research and practice.

21 Dealings with the public

- (1) When dealing with the public in the course of an architect's professional practice, an architect should ensure that:
 - (a) the architect's qualifications, experience and authorship of any work, document or publication are stated accurately, and
 - (b) the architect is identified clearly and accurately on stationery, sign boards, public notices and in publications, and
 - (c) the architect's registration number is included on any stationery, sign boards, public notices or advertisements used or placed by the architect in connection with the architect's professional practice, and
 - (d) if the architect claims to have received any award or honour for the provision of architectural services, all persons or bodies that shared in the award or honour are identified accurately in the claim.
- (2) When dealing with the public in the course of an architect's professional practice, an architect:
 - (a) should not provide any endorsement of any product or service in connection with the provision of an architectural service in a misleading manner, and
 - (b) should disclose in the material conveying the endorsement whether or not a fee has been received for or relating to that endorsement.

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Schedule 1

22 Representations concerning architectural work

- (1) An architect should not, in the course of the architect's professional practice, sign as checked, approved or supervised any drawings or other documents that the architect has not in fact checked, approved or supervised.
- (2) An architect should not, in the course of the architect's professional practice, permit the architect's name to be used in relation to any work, document or publication in a manner that misleadingly implies authorship of, responsibility for or agreement with the content or form of, the work, document or publication.

Part 8 Standards concerning professional relationships with other architects

23 Dealings with other architects

- (1) In any dealings with other architects in the course of the architect's professional practice, the architect should maintain a high standard of integrity and act honestly and fairly.
- (2) If an architect (the *new architect*) is assuming responsibility for the provision of an architectural service to a client from another architect who is to discontinue providing the service (the *former architect*), the former architect should, to the extent that it is commercially reasonable and without breaching any duty of confidentiality:
 - (a) inform the new architect of any matters that the former architect could be reasonably supposed to consider important concerning the provision of the service, and
 - (b) not withhold any information from the new architect that may assist the new architect to understand the history and nature of the service.

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Schedule 2 Election of Board members

Schedule 2 Election of Board members

(Clause 10)

Part 1 Interpretation

1 Definitions

(1) In this Schedule:

close of nominations for an election means the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means an election for the purposes of electing a member or members of the Board in accordance with section 60 (1) (d) of the Act.

returning officer means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person employed in the office of and nominated by the Electoral Commissioner for the purpose of exercising the functions conferred or imposed on a returning officer by this Regulation.

roll for an election means the roll provided to the returning officer under clause 11.

(2) In this Schedule, a reference to a Form is a reference to a Form set out in Schedule 3.

Part 2 Calling of election

2 Notice of election

(1) As soon as possible after having been notified in writing by or on behalf of the Minister that one or more members of the Board are required to be elected, the returning officer must cause notice of that fact:

- (a) to be sent to the Registrar, and
- (b) to be published in a newspaper circulating generally throughout the State.

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Election of Board members

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- (2) The notice to be published in the newspaper:
- (a) must state that an election is to be held, and
 - (b) must specify the number of members required to be elected, and
 - (c) must call for nominations of candidates, and
 - (d) must specify the time and date for the close of nominations, and
 - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
 - (f) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate.
- (3) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published.

3 Postponement of close of nominations

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice calling for the nomination of candidates.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Part 3 Nominations

4 Qualifications for nominating candidates

A person is qualified to nominate a candidate for election as an elected member of the Board if the person is an architect as at the close of nominations.

5 Eligibility for nomination

A person is eligible for nomination as a candidate at an election if the person is an architect as at the close of nominations.

6 Nomination of candidates

- (1) A nomination of a candidate:
 - (a) must be in Form 1, and

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Schedule 2 Election of Board members

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- (b) must be made by at least 5 persons (other than the candidate) who are qualified to nominate a candidate, and
 - (c) must include the written consent to the nomination by the nominee, and
 - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion:
- (a) as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate, or
 - (b) as to whether a person who has been nominated is eligible for nomination,
- the returning officer may require the Registrar to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

7 Uncontested elections

If the number of persons who have been duly nominated as candidates for an election by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

8 Contested elections

If the number of persons who have been duly nominated as candidates for an election by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

9 Candidate information sheets

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 2, containing information intended for inclusion in a candidate information sheet.

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- (2) If more than the required number of persons have been nominated as candidates by the close of nominations, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.
 - (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in a candidate's statutory declaration as the returning officer considers:
 - (a) to be false or misleading, or
 - (b) to be inappropriate for inclusion in the candidate information sheet, or
 - (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
 - (4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words "NO INFORMATION RECEIVED".
 - (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

Part 4 Calling of ballot

10 Qualifications for voting

A person who is an architect at the close of nominations is qualified to vote in an election.

11 Roll for the election

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, the returning officer must cause notice of that fact to be sent to the Registrar.
- (2) The Registrar must provide the returning officer with:
 - (a) a roll consisting of a list of all architects as at the date of close of nominations, and
 - (b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

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Schedule 2 Election of Board members

- (3) The roll:
- (a) must contain the names (consecutively numbered and listed in alphabetical order) and addresses of the architects included in the roll, and
 - (b) must be certified by the Registrar in accordance with Form 3.
- (4) This clause does not apply to an election held as a consequence of an earlier election that has failed if a roll for the earlier election has already been provided to the returning officer.

12 Notice of ballot

- (1) As soon as practicable after receiving the roll for the election, the returning officer must cause notice that a ballot is to be held to be published in a newspaper circulating generally throughout the State.
- (2) The notice:
- (a) must state that a ballot is to be taken, and
 - (b) must fix a time and date for the close of the ballot.
- (3) The close of the ballot must be not earlier than 28 days after the notice is published.

13 Postponement of ballot

- (1) The returning officer may postpone the close of the ballot for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Part 5 Ballot**14 Printing of ballot-papers**

- (1) As soon as practicable after the close of nominations in an election, the returning officer:
- (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and

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- (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the roll for the election, and
 - (c) if a candidate information sheet has been drawn up, must cause sufficient copies to be printed so that a copy may be sent to each person included in that roll.
- (2) A ballot-paper for an election must contain:
- (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
- (a) the voter must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number “1” and ending with the number equal to the number of candidates to be elected) in the squares set opposite the candidates’ names in the order of the voter’s preferences for them, and
 - (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the square set opposite the candidates’ names in the order of the voter’s preferences for them.

15 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the roll for the election:

- (a) a ballot-paper initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, and

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- (b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and
- (c) if applicable, a candidate information sheet.

16 Duplicate ballot-papers

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
 - (a) that the original ballot-paper has been spoilt, lost or destroyed, and
 - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

17 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer, and
- (c) must seal the envelope, and
- (d) must complete the person's full name and address on, and must sign, the back of the envelope, and
- (e) must return the envelope to the returning officer so as to be received before the close of the ballot.

Part 6 Scrutiny

18 Receipt of ballot-papers

- (1) The returning officer must reject (without opening it) any envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.

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- (2) The returning officer must examine the name on the back of the envelope and, without opening the envelope:
- (a) must accept the ballot-paper in the envelope and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the roll for the election, or
 - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject a ballot-paper in an envelope without opening the envelope if, after making such inquiries as the returning officer thinks fit:
- (a) the returning officer is unable to identify the signature on the back of the envelope, or
 - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of the envelope.

19 Ascertaining result of ballot

The result of a ballot must be ascertained by the returning officer as soon as practicable after the close of the ballot.

20 Scrutineers

Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

21 Scrutiny of votes

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
- (a) the returning officer must produce unopened the envelopes containing the ballot-papers accepted for scrutiny,
 - (b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
 - (c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers,
 - (d) the returning officer must then examine each ballot-paper and reject those that are informal,

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Schedule 2 Election of Board members

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- (e) the returning officer must then proceed to count the votes and ascertain the result of the election.
 - (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:
 - (a) it is neither initialled by the returning officer (or by a person authorised by the returning officer) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
 - (b) it has on it any mark or writing that the returning officer considers could enable any person to identify the voter who completed it, or
 - (c) it has not been completed in accordance with the directions shown on it.
 - (3) A ballot-paper must not be rejected as informal:
 - (a) merely because there is any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (2) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or
 - (b) if the voter has recorded a vote by placing in one square the number "1":
 - (i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
 - (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

22 Counting of votes

- (1) If there is only one person to be elected in any election:
 - (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and
 - (b) for the purpose of applying the provisions of that Part to any such election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Regulation.

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- (2) If there are 2 persons to be elected in any election:
- (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Sixth Schedule to the *Constitution Act 1902*, and
 - (b) for the purpose of applying the provisions of that Part to any such election:
 - (i) a reference in those provisions to the Council returning officer is to be read as a reference to the returning officer under this Regulation, and
 - (ii) the quota referred to in those provisions is to be determined by dividing the number of first preference votes for all candidates by 3 and by increasing the quotient so obtained (disregarding any remainder) by one.

23 Notice of result of election

As soon as practicable after a candidate or candidates in an election has or have been elected, the returning officer must notify the Minister, in writing, of the name of the candidate or candidates elected.

Part 7 General

24 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

25 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

- (a) the returning officer is to cause notice of the death to be published in the Gazette, and
- (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

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Schedule 2 Election of Board members

26 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election held under this Regulation, or
- (b) vote, or attempt to vote, in any such election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with any such election, or
 - (ii) in any document that the person furnishes for the purposes of any such election.

Maximum penalty: 5 penalty units.

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Forms

Schedule 3

Schedule 3 Forms

(Schedule 2, clause 1 (2))

Form 1 Nomination of candidate

(Schedule 2, clause 6 (1) (a))

(Architects Regulation 2004)

We nominate

[name in full]

of

[residential address]

being an architect who is*/is not* carrying on the business of an architect at

.....

[specify place or places at which candidate is carrying on business]

as a candidate for the following election:

.....

.....

[specify the election to which the nomination relates]

We declare that we are each entitled to vote in the election.

Name in full	Address	Signature
--------------	---------	-----------

.....
.....
.....
.....
.....
.....
.....
.....

Note. This nomination must be completed by not less than 5 persons (other than the candidate), each of whom is an architect.

[The following is to be completed by the nominee]

I

consent to being a candidate at the election to which this nomination relates.

Postal address:

Postcode: Telephone No:

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Schedule 3 Forms

Date of birth:

Dated:

Signed:

* Delete whichever is inapplicable.

Form 2 Statutory declaration

(Schedule 2, clause 9 (1))

(Architects Regulation 2004)

I, of

do solemnly and sincerely declare that:

- 1. My full name is
- 2. My residential address is Postcode:
- 3. My date of birth is
- 4. I am practising on my own account and my place of business is *

OR

I am employed by *

[specify name of employer]

of

[specify address of employer]

OR

I am a partner in*/director of* *

[specify name of firm or company]

of

[specify address of firm or company]

- 5. I hold the following qualifications (academic/trade/professional):
.....
.....
- 6. I am a member of the following organisations:
.....
.....
- 7. I hold the following offices (other than employment):
.....
.....
- 8.
.....
.....

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..... (See Note)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at this
..... day of 20.... ,

Before me:

.....

Justice of the Peace

.....

[signature]

Note. A candidate may include further information relating to the candidacy. Such information should not exceed 4 lines of typescript.

* Delete whichever is inapplicable.

Form 3 Certificate

(Schedule 2, clause 11 (3) (b))

(Architects Regulation 2004)

I certify that this roll contains the names (consecutively numbered and listed in alphabetical order) and addresses of those architects whose names were on the register as at, being the date of the close of nominations for the election in relation to which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry: No:

Name:

Address:

Last entry: No:

Name:

Address:

Dated: Signed:

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Schedule 4 Savings, transitional and other provisions

Schedule 4 Savings, transitional and other provisions

(Clause 14)

1 Use of nominated architects

(1) In this clause:

6-month transitional period means the period commencing on 30 June 2004 and ending on 31 December 2004 (inclusive).

- (2) Section 10 (1) of the Act does not operate to prohibit an architect corporation or architect firm from representing itself to be an architect (or allowing itself to be so represented) during the 6-month transitional period if the corporation or firm has at least one architect who is responsible for the provision of architectural services by the corporation or firm.
- (3) Section 11 (1) of the Act does not operate to require an architect corporation or architect firm to have a nominated architect at any time during the 6-month transitional period if the corporation or firm has at least one architect who is responsible for the provision of architectural services by the corporation or firm at that time.
- (4) An architect corporation or architect firm is taken to have complied with the provisions of section 11 (2) (a) of the Act during the 6-month transitional period if the name of an architect who is responsible for the provision of architectural services by the corporation or firm is set out on its written business correspondence.
- (5) Section 11 (2) (b) of the Act does not apply to an architect corporation or architect firm during the 6-month transitional period.

2 Client agreements

(1) In this clause:

12-month transitional period means the period commencing on 30 June 2004 and ending on 29 June 2005 (inclusive).

- (2) Clause 7 of the NSW Architects Code of Professional Conduct does not apply during the 12-month transitional period to an architect in respect of the provision of an architectural service to an existing client.
- (3) A person is an existing client of an architect for the purposes of subclause (2) if:
- (a) the architect was on retainer to provide architectural services for the person immediately before 30 June 2004, or

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Savings, transitional and other provisions

Schedule 4

- (b) the architect was otherwise engaged (whether by contract or under another arrangement) to provide architectural services to the person immediately before that date.



Associations Incorporation Amendment (Fees) Regulation 2004

under the

Associations Incorporation Act 1984

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Associations Incorporation Act 1984*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Associations Incorporation Act 1984*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Associations Incorporation Act 1984*, including section 73 (the general regulation-making power).

Clause 1 Associations Incorporation Amendment (Fees) Regulation 2004

Associations Incorporation Amendment (Fees) Regulation 2004

under the

Associations Incorporation Act 1984

1 Name of Regulation

This Regulation is the *Associations Incorporation Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Associations Incorporation Regulation 1999

The *Associations Incorporation Regulation 1999* is amended as set out in Schedule 1.

Associations Incorporation Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 5

Omit the clause. Insert instead:

5 Fees

A fee specified in the Table to this clause in relation to a specified provision of the Act is prescribed for the purposes of that provision.

Table

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
1	9 (g)	Application for incorporation	\$96
2	13 (2)	Application for reservation of name	\$36
3	14 (3) (c)	Application for approval of change of name	\$46
4	20 (2)	Notice of alteration of objects or rules of incorporated association	\$35
5	26 (3)	Application for extension of period within which annual general meeting to be held or permission that annual general meeting be held in another calendar year	\$20

Associations Incorporation Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
6	27 (1) (d)	Lodgment of annual statement:	
		(a) if the statement is lodged one month after the date of the annual general meeting of the association or sooner	\$41
		(b) if the statement is lodged more than one month after the date of the annual general meeting, but less than two months after that date	\$59
		(c) if the statement is lodged two or more months after the date of the annual general meeting	\$64
7	27 (2)	Application for extension or further extension of period within which an annual statement must be lodged	\$20
8	46 (3) (e)	Application for amalgamation of incorporated associations	\$96
9	48 (3) (d)	Application for incorporation by company limited by guarantee or registered co-operative	\$96

Associations Incorporation Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
10	59 (3) (a)	Inspection of document lodged with the Director-General	\$14
11	59 (3) (b)	Issue of uncertified copy of, or extract from, document lodged with the Director-General:	
		(a) if a fee has been paid for inspection of the document:	
		(i) for the first page	Nil
		(ii) for each additional page	\$1
		(b) if a fee has not been paid for inspection of the document:	
		(i) for the first page	\$14
		(ii) for each additional page	\$1
12	59 (3) (b)	Issue of certified copy of, or extract from, document lodged with the Director-General:	
		(a) for the first page	\$14
		(b) for each additional page	\$2

Associations Incorporation Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
13		Issue of extract from computerised record forming part of the register (referred to in section 59 (1) of the Act) that the Director-General keeps for the purposes of the Act	\$14



Business Names Amendment (Fees) Regulation 2004

under the

Business Names Act 1962

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Business Names Act 1962*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Business Names Act 1962*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Business Names Act 1962*, including section 32 (the general regulation-making power).

Clause 1 Business Names Amendment (Fees) Regulation 2004

Business Names Amendment (Fees) Regulation 2004

under the

Business Names Act 1962

1 Name of Regulation

This Regulation is the *Business Names Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Business Names Regulation 2000

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

Business Names Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 8)

Matter	Fee	Processing component
1 Application under section 7 (1) of the Act for registration of a business name	\$129	
2 Application under section 7 (5) of the Act for a further certificate of registration	\$20	
3 Application under section 9 (1) of the Act for the Minister's consent to the use of a business name	\$153	
4 Lodgment of a statement under section 11 (1) of the Act in connection with the renewal of registration of a business name	\$99	\$15
5 Application under section 11 (1) of the Act for an extension of time to lodge a statement in connection with the renewal of registration of a business name	\$46	
6 Lodgment of statement of change in certain particulars under section 12 of the Act	\$25	\$25
7 Lodgment of statement of change in persons under section 12 of the Act	\$25	\$25
8 Inspection under section 22 (1) of the Act of a statement relating to a business name	\$12 for each inspection	

Business Names Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Matter	Fee	Processing component
9 Application under section 22 (1) of the Act by a person who has the written approval of the Director-General to scan the computerised register of business names to obtain information for sale	\$6	
10 Written enquiry under section 22 (2) of the Act	\$25 for each business name specified in the inquiry	
11 Application under section 22 (3) of the Act for an uncertified reproduction or transparency or extract from a document or transparency forming part of the register, or a copy of or extract from a computerised record relating to a business name:		
(a) if a fee has been paid for inspection of the document, transparency or record under section 22 (1) of the Act:		
(i) for up to 3 pages	Nil	
(ii) for each additional page	\$1	
(b) if a fee has not been paid for inspection of the document, transparency or record under section 22 (1) of the Act:		
(i) for up to 3 pages	\$12	
(ii) for each additional page	\$1	

Business Names Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Matter	Fee	Processing component
12 Application under section 23 (1) (a) of the Act for a certified copy of or extract from the register or a copy of or extract from a document, transparency or computerised record forming part of the register:		
(a) for one page	\$12	
(b) for each additional page	\$2	
13 Application under section 23 (1) (b) of the Act for a certificate of registration or non-registration of a business name	\$20	



Compensation Court Repeal (Transitional) Amendment Regulation 2004

under the

Compensation Court Repeal Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Compensation Court Repeal Act 2002*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The *Compensation Court Repeal Act 2002* abolished the Compensation Court and transferred certain proceedings instituted and pending in the Court immediately before that abolition to the District Court. Clause 8 of the *Compensation Court Repeal (Transitional) Regulation 2003* describes the powers of the District Court in such proceedings. The clause will be superseded if the *Courts Legislation Amendment Bill 2004* (which is currently before Parliament and contains certain amendments to the *District Court Act 1973* relating to the jurisdiction acquired by the District Court on the abolition) is enacted.

Clause 8 currently ceases to have effect on 30 June 2004. The object of this Regulation is to extend the operation of the clause to the date of enactment of the amendments or 31 December 2004, whichever first occurs.

This Regulation is made under the *Compensation Court Repeal Act 2002*, including section 11 (the power to make regulations containing provisions of a savings or transitional nature consequent on the enactment of that Act).

Clause 1 Compensation Court Repeal (Transitional) Amendment Regulation 2004

Compensation Court Repeal (Transitional) Amendment Regulation 2004

under the

Compensation Court Repeal Act 2002

1 Name of Regulation

This Regulation is the *Compensation Court Repeal (Transitional) Amendment Regulation 2004*.

2 Amendment of Compensation Court Repeal (Transitional) Regulation 2003

The *Compensation Court Repeal (Transitional) Regulation 2003* is amended as set out in Schedule 1.

Compensation Court Repeal (Transitional) Amendment Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 8 Powers of District Court

Omit clause 8 (4). Insert instead:

- (4) This clause ceases to have effect on 31 December 2004 or the date of assent to the *Courts Legislation Amendment Act 2004*, whichever first occurs.



New South Wales

Conveyancing (General) Amendment (Fees) Regulation 2004

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Conveyancing Act 1919*. The increases include charging a fee:

- (a) for searching or continuing an official search of the General Register of Deeds based on a quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first hour instead of on a half-hour or part of a half-hour after that first-hour period, and
- (b) for examining or pre-examining a plan lodged for registration or recording (other than a plan prepared solely for the purpose of placing survey information on public record) based on a quarter-hour or part of a quarter-hour occupied in the examination or pre-examination after the first 4 hours instead of on an hour or part of an hour after that 4-hour period, and
- (c) for preparing and supplying a plan based on a quarter-hour or part of a quarter-hour occupied in the preparation of the plan after the first hour instead of on an hour or part of an hour after that first-hour period, and
- (d) for examining an application for an order terminating a neighbourhood scheme based on a quarter-hour or part of a quarter-hour occupied in examining the application instead of on an hour or part of an hour.

Conveyancing (General) Amendment (Fees) Regulation 2004

Explanatory note

This Regulation also:

- (a) introduces the following new fees:
 - (i) for each easement, restriction on the use of land, positive covenant or profit à prendre created, or each easement or profit à prendre released, in a section 88B instrument accompanying a plan,
 - (ii) for each quarter-hour or part of a quarter-hour after the first quarter-hour occupied in the preparation of a certificate of ownership under section 700 (2) of the *Local Government Act 1993* or section 151 (2) of the *Environmental Planning and Assessment Act 1979*, and
- (b) itemises fees for the supply of copies of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies, and
- (c) removes the fee for supplying a copy of a document or part of a document and conducting searches for writs, orders and legal proceedings in response to a telephone request (these services are no longer available by telephone).

This Regulation is made under the *Conveyancing Act 1919*, including section 202 (the general regulation-making power) and, in particular, section 202 (1) (d).

Conveyancing (General) Amendment (Fees) Regulation 2004

Clause 1

Conveyancing (General) Amendment (Fees) Regulation 2004

under the

Conveyancing Act 1919

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Conveyancing (General) Regulation 2003

The *Conveyancing (General) Regulation 2003* is amended as set out in Schedule 1.

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 4, 5, 6, 12, 21, 22, 41, 42 and 43)

\$

Registration in the General Register of Deeds

1	For each registration, or renewal or vacation of registration, of any writ, order or legal proceeding made under Division 2 of Part 23 of the Act	20.00
2	For each registration of a crop or wool lien or a stock mortgage, or any other instrument relating to such liens or mortgages, made under the <i>Liens on Crops and Wool and Stock Mortgages Act 1898</i>	20.00
3	For each registration of a bill of sale, or any other instrument relating to a bill of sale, made under the <i>Bills of Sale Act 1898</i>	20.00
4	For removal of a caveat in relation to a bill of sale	20.00
5	For registration under Division 5 of Part 6 of the Act of a memorandum containing provisions that are capable of being covenants that may be included in a bill of sale, crop or wool lien or stock mortgage	20.00
6	For recording or registering any instrument not otherwise provided for in this Schedule	71.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
7	On request for preparation of a registration copy of an instrument or part of an instrument	10.00 for up to 4 pages, and then 10.00 for each additional 4 pages or part of that number
	In addition, for preparation of the copy	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved
Copies		
8	For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office of the Department of Lands	10.00
	(b) by electronic means to any agent licensed by the Department of Lands	4.50
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
9	On lodgment of an application for a certified copy of a document or part of a document in the custody of the Registrar-General	75.00
	In addition, if a copy is prepared by a photocopying process	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
10	In the case of a requisition for a copy available to any person attending an office of the Department of Lands that, in the opinion of the Registrar-General, is a request for a copy for which the above schedule of fees is not appropriate	Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in providing the copy
11	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
12	For supplying a copy (other than a certified copy) of a document in response to a facsimile request	22.00
	In addition, for a copy of each additional document required	10.00
Official searches (General Register of Deeds)		
13	On requisition for a search, or the continuation of a search, from the date of the prior certificate of result of the search (including the office copy certificate of the result of a search or the continuation of the search)	200.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first hour	50.00
14	On request for a copy of an official search	75.00
Search for writs, orders or legal proceedings		
15	For a search against each name (other than a search in response to a facsimile request)	10.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$	
16	For a search in response to a facsimile request, in respect of a search for 1 or 2 names	22.00
	In addition, for a search of each additional name in excess of 2	10.00
Plans		
17	On lodgment for registration or recording of a plan, other than a plan prepared solely for the purpose of placing survey information on public record	800.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination of the plan	50.00
	In the case of land the subject of a community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i> :	
(a)	for each additional sheet in excess of 4	75.00
(b)	for the management statement accompanying the community, precinct or neighbourhood plan, including any associated plans or sketches	150.00
(c)	for any development contract accompanying the community, precinct or neighbourhood plan	150.00
	In addition, for each lot, allotment or portion shown or separately defined on the plan	80.00
	And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	75.00

Conveyancing (General) Amendment (Fees) Regulation 2004		
Schedule 1	Amendment	
\$		
	And, if the plan is accompanied by a section 88B instrument, for each easement or profit à prendre to be released, irrespective of the number of lots burdened or benefited, an additional	75.00
	And, if the plan is accompanied by a building management statement, an additional	150.00
	And, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the <i>Real Property Act 1900</i> —for each folio of the Register to be consolidated, an additional	15.00
	And, if a plan lodged in connection with an application to bring land under the <i>Real Property Act 1900</i> includes land already under that Act and a consolidated folio of the Register kept under that Act is to be created—for each folio to be consolidated, an additional	15.00
18	On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i>	75.00
19	For recording a plan prepared solely for the purpose of placing survey information on public record	75.00
20	For examining a plan if survey information has been added to an original compiled plan as a result of a requisition	75.00
21	For pre-examination of a plan	880.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination of the plan	55.00
22	For preparation and supply of a plan	200.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in the preparation of the plan	50.00
23	On lodgment of an application for revival of a plan previously rejected or withdrawn	Such fee as would be appropriate to the plan as a new lodgment
24	On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	75.00
25	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment
26	On lodgment of an application to amend a plan	75.00
	In addition, if the application involves the amendment of a Crown grant, a certificate of title or a folio of the Register kept under the <i>Real Property Act 1900</i> :	
	(a) for the first grant, certificate or folio	75.00
	(b) for each subsequent grant, certificate or folio	10.00
27	On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>	75.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00

Conveyancing (General) Amendment (Fees) Regulation 2004		
Schedule 1	Amendment	
		\$
Miscellaneous		
28	For furnishing a certificate of ownership (<i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2))	50.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	50.00
29	On depositing a document or documents pursuant to section 64 of the Act	22.00
	In addition, for each document in excess of 4	3.30
30	On application for return of a document or documents deposited pursuant to section 64 of the Act	22.00
	In addition, for each document in excess of 4	3.30
31	For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act	22.00
32	For production of documents at the Office of State Revenue	20.00
33	On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument	75.00



New South Wales

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2004

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including section 225 (the general regulation-making power).

Clause 1 Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2004

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

1 Name of Regulation

This Regulation is the *Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Co-operative Housing and Starr-Bowkett Societies Regulation 2000

The *Co-operative Housing and Starr-Bowkett Societies Regulation 2000* is amended as set out in Schedule 1.

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 28A)

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
1	23 (1) (a)	Inspection of prescribed document	\$12
2	23 (1) (b)	Certified copy of prescribed document	\$12 and \$2 for each page after the first page to a maximum of \$69
3	25	Application for extension or abridgement of time within which anything is required to be done under the 1998 Act	\$59
4	50 (1)	Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society	\$175
5	67	Registration of alteration of society's rules	\$12 per rule to a maximum of \$77
6	80 (2)	Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body	\$30

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
7	80 (4)	Application for approval of use by co-operative housing body of name other than registered name	\$30
8	84 (3)	Application by person or body (other than co-operative housing body) for exemption to use words co-operative housing society or Starr-Bowkett , or other words, abbreviations or symbols with similar meaning	\$292
	88	Application of the following sections of the Corporations Act in accordance with section 88 of the 1998 Act:	
9		Section 263 (1): Lodgment of:	
		(a) notice of charge	\$59
		(b) copy of resolution, where it is only evidence of charge	\$59
		(c) instrument, where charge was created or evidenced by the instrument	\$59

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
10		Section 264 (1): Lodgment of:	
		(a) notice of acquisition of property subject to charge	\$59
		(b) copy of resolution, where it is only evidence of charge	\$59
		(c) instrument, where charge was created or evidenced by the instrument	\$59
11		Section 265 (5) (b): Application to Registrar for extension of time to lodge certificate to effect that all documents accompanying notice required under section 263 or 264 have been duly stamped	\$59
12		Section 268 (1): Lodgment of notice of assignment of charge	\$59
13		Section 268 (2): Lodgment of notice of variation of terms of charge	\$59

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
14		Section 269 (2):	
		Lodgment of memorandum acknowledging satisfaction of, and release of property from, charges	\$59
15	115 (7)	Lodgment of special resolution for registration	\$12
16	117 (3)	Application for consent of Registrar for society to keep all or any registers at office other than registered office	\$30
17	148 (1)	Lodgment of returns:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$87
		(c) 28 days or more after the due date	\$175
18	149 (1)	Application for order for relief from certain specified requirements as to accounts or audit	\$234
19	152	Application for certification by Registrar that co-operative housing societies are of same type for purpose of proposed merger or transfer of engagements	\$59

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
20	153 (1)	Application for registration of merger of, or transfer of engagements by, co-operative housing societies	\$59
21	153 (2)	Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements	\$59
22	153 (3)	Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements	\$234
23	153 (5)	Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the 1998 Act	\$59
	173	Application of the following sections of the Corporations Act in accordance with section 173 of the 1998 Act:	
24		Section 411 (2) (a): Application to Registrar for permission to lesser period of notice of hearing of application under section 411 (1) or (1A)	\$59

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
25		Section 411 (2) (b): Examination by Registrar of terms of proposed compromise or arrangement to which application relates and draft explanatory statement relating to proposed compromise or arrangement	\$583
26		Section 411 (7): Application to Registrar for direction that section 411 (7) (f) does not apply in relation to appointment of person to administer compromise or arrangement	\$234
27		Section 413 (3): Lodgment of office copy of order made under section 413	\$30
		Additional fee for late lodgment of copy of order	\$59
	174	Application of the following sections of the Corporations Act in accordance with section 174 of the 1998 Act:	

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
28		Section 418 (1): Application to Registrar for direction that section 418 (1) (f) does not apply in relation to appointment of person as receiver of property of corporation	\$234
29		Section 421A (2): Lodgment of managing controller's report about corporation's affairs: (a) on or before the due date (b) more than 1 day but less than 28 days after the due date (c) 28 days or more after the due date	Nil \$87 \$175
30		Section 421A (3) (b): Inspection of managing controller's report at Registrar's office	\$12
31		Section 427 (1) (a): Lodgment of notice of order of appointment of receiver Additional fee for late lodgment	Nil \$30

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
32		Section 427 (1A) (a):	
		Lodgment of notice of appointment of controller of property of corporation	Nil
		Additional fee for late lodgment	\$30
33		Section 427 (1B) (a):	
		Lodgment of notice that controller has entered into possession or taken control	Nil
		Additional fee for late lodgment	\$30
34		Section 427 (2):	
		Lodgment of notice of address of controller	Nil
		Additional fee for late lodgment	\$30
35		Section 427 (3):	
		Lodgment of notice of change in situation of controller's office	Nil
		Additional fee for late lodgment	\$30
36		Section 427 (4) (a):	
		Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$30

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
37		Section 429 (2) (c): Lodgment by controller of reporting officers' report about corporation's affairs and notice setting out comments (if any) by controller relating to report Additional fee for late lodgment	Nil \$30
38		Section 432 (1): Lodgment of controller's accounts: (a) on or before the due date (b) more than 1 day but less than 28 days after the due date (c) 28 days or more after the due date	Nil \$87 \$175
39	177	Application to Registrar to exercise powers conferred by the provisions of the Corporations Act referred to in: (a) section 177 (2) (a) of the 1998 Act (b) section 177 (2) (b) of the 1998 Act	\$31 \$59
40	184 (1)	Application for registration of two or more bodies as an association	\$175

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
41		Lodgment of any other document under the 1998 Act	Nil
42		Additional fee for late lodgment	\$30



Co-operatives Amendment (Fees) Regulation 2004

under the

Co-operatives Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operatives Act 1992*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Co-operatives Act 1992*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Co-operatives Act 1992*, including section 446 (the general regulation-making power).

Clause 1 Co-operatives Amendment (Fees) Regulation 2004

Co-operatives Amendment (Fees) Regulation 2004

under the

Co-operatives Act 1992

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Co-operatives Regulation 1997

The *Co-operatives Regulation 1997* is amended as set out in Schedule 1.

Co-operatives Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Fees

(Clause 55)

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
1	19	Application to Registrar for registration—proposed co-operative	\$116 non-trading \$175 trading
2	24	Application to Registrar for registration—existing body corporate	\$175
3	28G	Issue of duplicate certificate	\$25
4	67 (2)	Application for Registrar's certificate	\$30
5	76A (2)	Application for Registrar's consent	\$59
6	108 (3)	Copy of rules	\$6 for the first page and \$1 for each page thereafter to a maximum of \$58 per document
7	113 (2)	Application for registration of rule alteration	\$12 per rule to a maximum of \$77

Co-operatives Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
8	113 (5)	Issue of certificate of registration of rule alteration	\$30
9	125 (1)	Application to Council for review	\$59
10	126 (3)	Application to Registrar for determination of a member's eligibility to vote	\$116
11	136 (6)	Application to Council for reduction in period for repayment	\$234
12	143	Application to Minister for exemption	\$234
13	145 (1)	Application to Council for approval to convert to a co-operative without share capital	\$59
14	155 (3) (a)	Application to Registrar for approval of disclosure statement	\$234
15	177 (1) (a)	Application to Council for approval of rules restricting voting rights	\$234
16	178 (2)	Application to Council for review of voting entitlement	\$234
17	192 (2) (c)	Lodgment of special resolution (not involving alteration of rules)	\$12 per resolution to a maximum of \$77
18	194 (3)	Application to Registrar for approval of disclosure statement	\$234
19	216 (3) (b)	Application to Council for approval of co-operative to have employee director	\$59

Co-operatives Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
20	243	Lodgment by a disclosing entity that is a co-operative of an annual financial report and an annual director's report pursuant to sections 292 and 319 of the Corporations Act (as applied by section 243 of the Act)	Nil
21	244 (1)	Application to Registrar for exemption	\$234
22	250 (1) (d)	Approval of office where register is to be kept	\$30
23*	251 (5)	Obtaining copy of an entry in the Register	\$6 for the first page and \$1 for each page thereafter to a maximum of \$58 per document
24	252 (1)	Lodgment of annual report:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$87
		(c) 28 days or more after the due date	\$175
25	255 (5) (g)	Application to Registrar for exemption to use the word "Co-operative" or abbreviation	\$292
26	257 (e)	Application to Registrar for approval of abbreviation or elaboration of name	\$30

Co-operatives Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
27	259 (1)	Application to Registrar for approval of change of name	\$59
28	261 (3)	Lodgment of notice of change of address	Nil
29	266 (1)	Lodgment of disclosure document under sections 706, 707, 721 and 727 of the Corporations Act (as applied by section 266 of the Act)	\$1,752
30	266 (1)	Lodgment of supplementary or replacement disclosure document under section 719 of the Corporations Act (as applied by section 266 of the Act)	Nil
31	266 (1)	Lodgment of disclosure document under section 707 of the Corporations Act (as applied by section 266 of the Act) relating to sale of unquoted securities	\$234
32	266 (4)	Application to Registrar for exemption	\$234
33	266A (2)	Application to Registrar for approval of disclosure statement	\$234
34	268 (3) (a)	Application to Registrar for approval of disclosure statement	\$234
35	273 (1) (c)	Application to Registrar for approval of terms of issue of CCUs	\$234
36	285 (2)	Application to Council for exemption	\$234

Co-operatives Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
37	289 (3)	Application to Council for approval of maximum share interest	\$234
38*	294 (2) (b)	Inspection of register of notifiable interests	\$30
39	298	Application to Registrar for exemption	\$234
40	300 (1)	Application to Council for approval of share offer	\$234
41	302 (4)	Application to Registrar for extension of period of share offer	\$59
42	308	Application to Council for exemption	\$234
43	311 (2)	Application for Registrar's consent	\$59
44	311A (2)	Application to Registrar for approval of disclosure statement	\$234
45	311B (1)	Application to Registrar for approval of merger or transfer of engagements	\$59
46	312	Application to Council for exemption	\$59
47	316 (4)	Application to Council for exemption	\$234
48	325	Application to Registrar to exercise powers conferred by section 601AE or 601AF of the Corporations Act (as applied by section 325 of the Act)	\$59
49	326 (2)	Application to Council for exemption	\$59
50	346 (1) (a)	Application for Registrar's permission	\$59

Co-operatives Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
51	348 (1) (f)	Application to Registrar for direction	\$234
52	355 (1)	Application to Registrar for approval of explanatory statement	\$583
53	357 (5)	Lodgment of copy of order	\$30
		Additional fee for late lodgment	\$59
54	369E (2) (f)	Application to Registrar for registration—participating co-operative	\$234
55	369F (2) (d)	Application to Registrar for registration—non-participating co-operative	\$583
56	369K	Lodgment of particulars of alteration	\$30
		Additional fee for late lodgment	\$59
57	369L (1)	Lodgment of balance sheet:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$87
		(c) 28 days or more after the due date	\$175
58	369M (1)	Lodgment of notice of cessation of business—foreign co-operative	Nil
59	369N (1)	Application to Registrar for certificate of compliance	\$701
60	369Q (3) (a)	Application for Registrar's consent	\$234

Co-operatives Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
61	369R (2)	Application to Registrar for approval of disclosure statement	\$234
62	369R (4)	Application to Registrar for exemption	\$234
63	369S (1)	Application to Registrar for approval of merger or transfer of engagements	\$234
64	402 (1) (a)	Application to Registrar for special meeting	\$234
65	402 (1) (b)	Application to Registrar for inquiry	\$583
66	408 (1)	Application to Registrar for extension or abridgment of time	\$59
67	413A (1) (a)	Inspection of Register	\$12
68	413A (1) (b)	Inspection of prescribed document	\$12
69	413A (1) (c)	Certified copy of a document	\$13 for the first page and \$2 for each page thereafter to a maximum of \$69 per document
70	440A (2) (c)	Application to Registrar for permission to give notice by newspaper	\$59
71	Sch 3 cl 13 (1)	Lodgment of notice of charge	\$59

Co-operatives Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
72	Sch 3 cl 17 (1) (a)	Lodgment of notice of acquisition of property subject to charge	\$59
73	Sch 3 cl 20 (3) (c)	Application to Registrar for extension of time	\$59
74	Sch 3 cl 36 (1)	Lodgment of notice of assignment of charge	\$59
75	Sch 3 cl 36 (2)	Lodgment of notice of variation of terms of charge	\$59
76	Sch 3 cl 37 (2)	Lodgment of memorandum of discharge	\$30
77	Sch 3 cl 42 (1) and (3)	Request for certificate	Nil
78	Sch 3 cl 44	Application to Registrar for exemption	\$234
79	Sch 4 cl 3 (1) (f)	Application to Registrar for direction	\$234
80	Sch 4 cl 6A (2)	Lodgment of managing controller's report:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$87
		(c) 28 days or more after the due date	\$175
81	Sch 4 cl 6A (3) (b)	Inspection of managing controller's report	\$12

Co-operatives Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
82	Sch 4 cl 7 (1) (c)	Lodgment of receiver's report	Nil
83	Sch 4 cl 12 (1) (a)	Lodgment of notice of order	Nil
		Additional fee for late lodgment	\$30
84	Sch 4 cl 12 (2) (a)	Lodgment of notice of appointment of controller	Nil
		Additional fee for late lodgment	\$30
85	Sch 4 cl 12 (3) (a)	Lodgment of notice that person has entered into possession or taken control of property of co-operative	Nil
		Additional fee for late lodgment	\$30
86	Sch 4 cl 12 (5)	Lodgment of notice of change in situation of controller's officer	Nil
		Additional fee for late lodgment	\$30
87	Sch 4 cl 12 (6) (a)	Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$30
88	Sch 4 cl 14 (2) (c)	Lodgment of copy of controller's report	Nil
		Additional fee for late lodgment	\$30

Co-operatives Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
89	Sch 4 cl 14 (4)	Lodgment of notice by controller that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$30
90	Sch 4 cl 14 (5)	Lodgment of copy of court order that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$30
91	Sch 4 cl 17 (1)	Lodgment of controller's financial statement:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$87
		(c) 28 days or more after the due date	\$175
92		Lodgment of any other document under the Act	Nil
		Additional fee for late lodgment	\$30
93		Lodgment of any other document under the Corporations Act as adopted by the Act	Nil

*Fees payable to the co-operative



New South Wales

District Court Amendment (Fees) Regulation 2004

under the

District Court Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *District Court Act 1973*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain court fees (as set out in the *District Court Regulation 2000*) payable in respect of the business of the District Court.

This Regulation also omits all references to a hearing fee (for the 6th and each subsequent day of a hearing) that is no longer applicable.

This Regulation is made under the *District Court Act 1973*, including section 150 (Regulations: Court fees).

Clause 1 District Court Amendment (Fees) Regulation 2004

District Court Amendment (Fees) Regulation 2004

under the

District Court Act 1973

1 Name of Regulation

This Regulation is the *District Court Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of District Court Regulation 2000

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

District Court Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] **Clause 3 Interpretation**
Omit the definition of *hearing fee* from clause 3 (1).
- [2] **Clause 5 Fees not chargeable to the Crown**
Omit “or hearing fee” from clause 5 (2).
- [3] **Clause 6 Pro bono cases**
Omit “or hearing fee” wherever occurring.
- [4] **Clause 7 Postponement of fees in certain other cases**
Omit “or hearing fee” from clause 7 (3A).
- [5] **Clause 8 Persons by and to whom fees payable (other than hearing allocation fees)**
Omit “or hearing fees” from clause 8 (4) (a).
- [6] **Clause 8A Persons by and to whom hearing allocation fees payable**
Omit “or hearing fee” wherever occurring.
- [7] **Clause 8A (1) (a)**
Omit “or 18 respectively”.
- [8] **Clause 9 Time for payment of fees**
Omit “or hearing fee” from clause 9 (1).
- [9] **Clause 9 (1B)**
Omit the subclause.
- [10] **Clause 9A Action available if hearing allocation fee not paid**
Omit “or hearing fee”.

District Court Amendment (Fees) Regulation 2004

Schedule 1 Amendments

[11] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

		\$
1	(1) Filing a statement of claim or any other originating process (other than the filing of an originating process referred to in paragraph (2))	876.00 (in the case of a corporation) or 438.00 (in any other case)
	(2) Filing an originating process by way of a notice of appeal	362.00 (in the case of a corporation) or 181.00 (in any other case)
	(3) Filing a notice of cross-claim or third or subsequent party notice	876.00 (in the case of a corporation) or 438.00 (in any other case)
2	Filing notice of motion under Part 16 of the <i>District Court Rules 1973</i> (not being a filing referred to in item 1)	114.00 (in the case of a corporation) or 57.00 (in any other case)
3	(1) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury)	1,498.00 (in the case of a corporation) or 749.00 (in any other case)
	(2) Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial)	680.00 (in the case of a corporation) or 340.00 (in any other case)
4	Making a copy of any document, for each page (minimum fee of \$10.00)	2.00

District Court Amendment (Fees) Regulation 2004

Amendments

Schedule 1

		\$
5	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	35.00
6	For each copy of the transcript of any proceedings:	
	(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$64.00)	7.60
	(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$75.00)	8.70
7	Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted	44.00
8	Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted	55.00
9	Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession	} As prescribed by the scale of fees under the <i>Sheriff Act 1900</i>
10	Levy on a writ of execution	
11	For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
12	The travelling expenses incurred by officers in conveying an arrested person to prison or to court	
13	Attending a view by a jury (to be paid by the party making the request)	

District Court Amendment (Fees) Regulation 2004

Schedule 1 Amendments

		\$
14	On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties)	557.00
15	Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the rehearing of an action referred for arbitration	850.00 (in the case of a corporation) or 425.00 (in any other case)
	Note. This amount is subject to any provision of the <i>District Court Rules 1973</i> providing for the refund of the whole or any part of this amount.	
16	To issue a subpoena (for production, to give evidence, or both)	110.00 (in the case of a corporation) or 55.00 (in any other case)
17	For allocation of a date for hearing the proceedings by a judge or a judge and jury	936.00 (in the case of a corporation) or 468.00 (in any other case)
	Note 1. The hearing allocation fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.	
	Note 2. A hearing allocation fee is payable for proceedings allocated a date for hearing after 1 October 2003 whether the proceedings were initiated before or after that date.	
	Note 3. A hearing allocation fee is not payable:	
	(a) in criminal proceedings, or	
	(b) in proceedings of an interlocutory nature only.	
	Note 4. A hearing allocation fee is not payable and, if paid, is to be remitted, if:	
	(a) the proceedings do not proceed on the allocated date for hearing, and	
	(b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings.	



Dust Diseases Tribunal Amendment (Fees) Regulation 2004

under the

Dust Diseases Tribunal Act 1989

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain fees (as set out in the *Dust Diseases Tribunal Regulation 2001*) to be paid in respect of proceedings before the Dust Diseases Tribunal.

This Regulation is made under the *Dust Diseases Tribunal Act 1989*, including section 34 (Regulations: Tribunal fees).

Clause 1 Dust Diseases Tribunal Amendment (Fees) Regulation 2004

Dust Diseases Tribunal Amendment (Fees) Regulation 2004

under the

Dust Diseases Tribunal Act 1989

1 Name of Regulation

This Regulation is the *Dust Diseases Tribunal Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Dust Diseases Tribunal Regulation 2001

The *Dust Diseases Tribunal Regulation 2001* is amended as set out in Schedule 1.

Dust Diseases Tribunal Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 4)

	\$
1 Filing an initiating process	1,230 (in the case of a corporation) or 615 (in any other case)
2 Filing a cross-claim	1,230 (in the case of a corporation) or 615 (in any other case)
3 Filing notice of motion	284 (in the case of a corporation) or 142 (in any other case)
4 To open or keep open the registry or part of the registry:	
(a) on a Saturday, Sunday or public holiday	976 (in the case of a corporation) or 488 (in any other case)
(b) on any other day:	
(i) before 8.30 am or after 4.30 pm	976 (in the case of a corporation) or 488 (in any other case)
(ii) between 8.30 and 9 am or 4 and 4.30 pm	102 (in the case of a corporation) or 51 (in any other case)
5 To furnish a copy of the written opinion or reasons for opinion of any member of the Tribunal:	
(a) for a printed copy	48

Page 3

Dust Diseases Tribunal Amendment (Fees) Regulation 2004

Schedule 1 Amendment

	\$
(b) for any other kind of copy	30
Note. A party to proceedings before the Tribunal is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.	
6 Making a copy of any document, otherwise than as provided for by item 5, for each page (minimum fee of \$10)	2
7 Supply of duplicate tape recording of sound-recorded evidence, for each cassette	35
8 For each copy of the transcript of any proceedings:	
(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$64)	7.60
(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$75)	8.70
9 To issue a subpoena for production	110 (in the case of a corporation) or 55 (in any other case)
10 To issue a subpoena for production and to give evidence	110 (in the case of a corporation) or 55 (in any other case)
11 To issue a subpoena to give evidence	54 (in the case of a corporation) or 27 (in any other case)

Dust Diseases Tribunal Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$
12 The fee for a service not otherwise provided for in this Schedule	58 (in the case of a corporation) or 29 (in any other case)
Note. This fee is chargeable only with the approval of the registrar.	



New South Wales

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

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

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* so as to establish a scheme under which applications to carry out certain kinds of residential development will have to be accompanied by a list of commitments by the applicant as to the sustainability measures to be taken in relation to the development (that is, measures to improve the capacity of the development to reduce consumption of mains-supplied potable water, to reduce emissions of greenhouse gases and to perform in a thermally efficient manner). If the application is approved, fulfilment of such commitments will become a condition of the relevant development consent or complying development certificate.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and section 80A.

Clause 1 Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

BASIX affected building means:

- (a) a dwelling-house (that is, a building comprising one dwelling and nothing else but structures ancillary to the dwelling), or
- (b) a dual occupancy building (that is, a building comprising 2 dwellings and nothing else but structures ancillary to those dwellings), or
- (c) a guest house, boarding house, lodging house or hostel (including a backpackers hostel), being a building with a gross floor area of less than 300 square metres,

but does not include:

- (d) one of 3 or more dwelling-houses (comprising a single development) to be erected on land the subject of a development application or development consent for subdivision under:
 - (i) the *Strata Schemes (Freehold Development) Act 1973*, or
 - (ii) the *Strata Schemes (Leasehold Development) Act 1986*,so as to create a separate lot for each such dwelling-house, or
- (e) one of 2 or more dual occupancy buildings (comprising a single development) to be erected on land the subject of a development application or development consent for subdivision under:
 - (i) the *Strata Schemes (Freehold Development) Act 1973*, or
 - (ii) the *Strata Schemes (Leasehold Development) Act 1986*,so as to create a separate lot for each such building.

BASIX certificate means a certificate issued by the Director-General under clause 164A.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

initial BASIX area means the area comprising the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby and Woollahra.

relevant BASIX certificate, in relation to development, means:

- (a) in the case of development the subject of development consent:
 - (i) a BASIX certificate that is applicable to the development when development consent is granted or (in the case of development consent modified under section 96 of the Act) modified, or
 - (ii) if a replacement BASIX certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate, or
- (b) in the case of development the subject of a complying development certificate, a BASIX certificate that is applicable to the development when the complying development certificate is granted or (in the case of a complying development certificate modified under section 87 of the Act) modified.

[2] Clause 55A

Insert after clause 55:

55A Amendments with respect to BASIX commitments

- (1) This clause applies to a development application that has been accompanied by a BASIX certificate pursuant to clause 2A of Schedule 1.
- (2) Without limiting clause 55, a development application may be amended or varied by the lodging of:
 - (a) a new BASIX certificate to replace a BASIX certificate that accompanied the application, or to replace any

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Amendments

Schedule 1

subsequent BASIX certificate lodged under this clause, and

- (b) if any new accompanying document is required or any existing accompanying document requires amendment, a new or amended accompanying document.
- (3) If an amendment or variation of a development application, or of any accompanying document, results in the proposed development differing in any material respect from the description contained in a current BASIX certificate for the development, the application to amend or vary the development application must have annexed to it a replacement BASIX certificate whose description takes account of the amendment or variation.
- (4) In this clause, a reference to the *accompanying document* is a reference to any document required to accompany a development application pursuant to clause 2 of Schedule 1.

[3] Clause 97A

Insert after clause 97:

97A Fulfilment of BASIX commitments

- (1) This clause applies:
 - (a) on and from 1 July 2004, to all land within the initial BASIX area, and
 - (b) on and from 1 July 2005, to all land within New South Wales.
- (2) This clause applies to all development:
 - (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or
 - (b) that involves a change of building use by which a building becomes a BASIX affected building.
- (3) For the purposes of section 80A (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

[4] Clause 100 Notice of determination—what is the form of the notice?

Insert “(including conditions prescribed under section 80A (11) of the Act)” after “conditions” in clause 100 (1) (b).

[5] Clause 100 (1) (c)

Insert “(other than conditions prescribed under section 80A (11) of the Act)” after “conditions” where firstly occurring.

[6] Clause 115 What are the requirements for an application for modification of a development consent?

Insert after clause 115 (1B):

- (1C) An application for the modification of a development consent under section 96 (1A) or (2) of the Act, if it relates to development for which the development application was required to be accompanied by one or more BASIX certificates, must also be accompanied by appropriate BASIX certificates.
- (1D) The appropriate BASIX certificates for the purposes of subclause (1C) are:
 - (a) to the extent to which any current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and
 - (b) to the extent to which any current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate.

[7] Clause 129A

Insert after clause 129:

129A Amendments with respect to BASIX commitments

- (1) This clause applies to an application for a complying development certificate that has been accompanied by a BASIX certificate pursuant to clause 4A of Schedule 1.
- (2) An application for a complying development certificate may be amended or varied by the lodging of:

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Amendments

Schedule 1

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- (a) a new BASIX certificate to replace a BASIX certificate that accompanied the application, or to replace any subsequent BASIX certificate lodged under this clause, and
 - (b) if any new accompanying document is required or any existing accompanying document requires amendment, a new or amended accompanying document.
- (3) If an amendment or variation of an application for a complying development certificate, or of any accompanying document, results in the proposed development differing in any material respect from the description contained in a current BASIX certificate for the development, the application to amend or vary the application for the complying development certificate must have annexed to it a replacement BASIX certificate whose description takes account of the amendment or variation.
 - (4) In this clause, a reference to the *accompanying document* is a reference to any document required to accompany an application for a complying development certificate pursuant to clause 4 of Schedule 1.

[8] Clause 136D

Insert after clause 136C:

136D Fulfilment of BASIX commitments

- (1) This clause applies:
 - (a) on and from 1 July 2004, to all land within the initial BASIX area, and
 - (b) on and from 1 July 2005, to all land within New South Wales.
- (2) This clause applies to all development:
 - (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or
 - (b) that involves a change of building use by which a building becomes a BASIX affected building.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

- (3) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

[9] Clause 145 Compliance with development consent and Building Code of Australia

Insert before clause 145 (1) (a):

- (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,

[10] Clause 149 Applications for occupation certificates

Insert after clause 149 (2):

- (2A) In the case of an application with respect to development the subject of a condition requiring commitments listed in a BASIX certificate to be fulfilled, the application must also be accompanied by a copy of each relevant BASIX certificate for the development.

[11] Clause 154B

Insert after clause 154A:

154B Fulfilment of BASIX commitments

- (1) This clause applies to a BASIX affected building in respect of which a relevant BASIX certificate requires a certifying authority to monitor fulfilment of any of the commitments listed in the certificate.
- (2) A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled.
- (3) For the purpose of satisfying itself as to the fulfilment of any such commitment, a certifying authority may rely on the advice of any properly qualified person.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

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[12] **Clause 164A**

Insert after clause 164:

164A BASIX certificates

- (1) The Director-General may issue certificates (***BASIX certificates***) in relation to the sustainability of any proposed development that involves the erection of a building or a change of building use.
- (2) Without limiting subclause (1), a BASIX certificate may be issued by means of a computerised system, as approved from time to time by the Director-General, being a system to which members of the public are given on-line access, whether over the internet or otherwise.
- (3) A BASIX certificate applies only to a single dwelling, accordingly any provision of this Regulation that requires a BASIX certificate for development involving more than one dwelling is taken to require separate BASIX certificates for each of the dwellings concerned.
- (4) A BASIX certificate must contain the following:
 - (a) a description of the proposed development, corresponding in all relevant respects with the description contained in:
 - (i) the relevant application, and
 - (ii) any relevant accompanying documents,
 - (b) a detailed list of the commitments that the applicant has made as to the manner in which the development will be carried out (being commitments as to the measures, such as design and fit-out, that the applicant proposes to implement in order to promote the sustainability of the development),
 - (c) a statement to the effect that the proposed development will meet the Government's requirements for sustainability if the applicant's commitments are fulfilled.
- (5) In this clause:

accompanying document means any document required to accompany an application pursuant to clause 2, 4 or 6 of Schedule 1.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

application means:

- (a) a development application, application for a complying development certificate or application for a construction certificate, or
- (b) an application for modification of a development consent, complying development certificate or construction certificate.

sustainability, in relation to a dwelling, means the capacity of the dwelling:

- (a) to reduce consumption of mains-supplied potable water, and
- (b) to reduce emissions of greenhouse gases, and
- (c) to perform in a thermally efficient manner.

[13] Clause 286A

Insert after cause 286:

286A Savings and transitional provisions: introduction of BASIX scheme

The amendments to this Regulation made by the *Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004* do not apply to:

- (a) a development application, or application for a complying development certificate, that has been made before 1 July 2004, or
- (b) a development application, or application for a complying development certificate that is made on or after 1 July 2004, but before 1 January 2005, in relation to a building to be constructed:
 - (i) pursuant to a building agreement entered into before 1 July 2004, or
 - (ii) pursuant to a building agreement entered into on or after 1 July 2004 as a consequence of an offer made, or deposit paid, before 1 July 2004, or
- (c) a development consent or complying development certificate arising from an application referred to in paragraph (a) or (b), or

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

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- (d) an application for a construction certificate or occupation certificate that is made in relation to development carried out under the authority of a development consent or complying development certificate arising from an application referred to in paragraph (a) or (b).

[14] Schedule 1 Forms

Insert after clause 2 (1) (k):

- (l) in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application.

[15] Schedule 1, clause 2 (3) (h)

Insert after clause 2 (3) (g):

- (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch.

[16] Schedule 1, clause 2A

Insert after clause 2:

2A BASIX certificate required for certain development

- (1) This clause applies:
- (a) on and from 1 July 2004, to all land within the initial BASIX area, and
- (b) on and from 1 July 2005, to all land within New South Wales.
- (2) In addition to the documents required by clause 2, a development application for any development:
- (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or
- (b) that involves a change of building use by which a building becomes a BASIX affected building,

must also be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development.

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

[17] Schedule 1, clause 4 (1) (g)

Insert after clause 4 (1) (f):

- (g) in the case of development to which clause 4A applies, such other documents as any BASIX certificate for the development requires to accompany the application.

[18] Schedule 1, clause 4 (3) (h)

Insert after clause 4 (3) (g):

- (h) in the case of development to which clause 4A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch.

[19] Schedule 1, clause 4 (5) (g)

Insert after clause 4 (5) (f):

- (g) in the case of development to which clause 4A applies, such other matters as any BASIX certificate for the development requires to be included in the plans and specifications.

[20] Schedule 1, clause 4A

Insert after clause 4:

4A BASIX certificate required for certain development

- (1) This clause applies:
 - (a) on and from 1 July 2004, to all land within the initial BASIX area, and
 - (b) on and from 1 July 2005, to all land within New South Wales.
- (2) In addition to the documents required by clause 4, an application for a complying development certificate for any development:
 - (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or

Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004

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- (b) that involves a change of building use by which a building becomes a BASIX affected building,

must also be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development.

[21] Schedule 1, clause 6 (1) (d)

Insert after clause 6 (1) (c):

- (d) in the case of development to which clause 6A applies, such other documents as any BASIX certificate for the development requires to accompany the application.

[22] Schedule 1, clause 6 (3) (g)

Insert after clause 6 (3) (f):

- (g) in the case of development to which clause 6A applies, such other matters as any BASIX certificate for the development requires to be included in the plans and specifications.

[23] Schedule 1, clause 6A

Insert after clause 6:

6A BASIX certificate required for certain development

- (1) This clause applies:
- (a) on and from 1 July 2004, to all land within the initial BASIX area, and
 - (b) on and from 1 July 2005, to all land within New South Wales.
- (2) In addition to the documents required by clause 6, an application for a construction certificate for any development:
- (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or

Environmental Planning and Assessment Amendment (Building
Sustainability Index: BASIX) Regulation 2004

Schedule 1 Amendments

(b) that involves a change of building use by which a building becomes a BASIX affected building,

must also be accompanied by a BASIX certificate, being either the BASIX certificate applicable to the development when the relevant development consent was granted or some other BASIX certificate issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development.



Firearms (General) Amendment (Miscellaneous) Regulation 2004

under the

Firearms Act 1996

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

JOHN WATKINS, M.P.,
Minister for Police

Explanatory note

Under the *Firearms (General) Regulation 1997* (as amended by the *Firearms (General) Amendment (Fees) Regulation 2004* which commences on 1 July 2004), applicants for a category A, B, C, D or H firearms licence will have the option of applying for a 2-year licence or a 5-year licence. The objects of this Regulation are as follows:

- (a) to enable an applicant for a firearms collector licence that is part of a composite firearms licence (ie a licence authorising possession of firearms to which more than one category of licence apply) to apply for a 2-year licence (see **Schedule 1 [1]**),
- (b) to increase the application fee for a firearms permit (other than those permits for which an application fee is specifically provided under clause 84 of the *Firearms (General) Regulation 1997*) from \$40 (if a photograph is required) or \$25 (if no photograph is required) to a flat fee of \$75 (see **Schedule 1 [8]**),
- (c) to consolidate the application fee for a category A, B, C, D or H firearms licence into the one provision (see **Schedule 1 [6] and [7]**).

This Regulation also:

- (a) provides that section 16A of the *Firearms Act 1996* (which requires a category H (sport/target shooting) licence to be issued on a probationary basis if the applicant for the licence has never held such a licence) does not apply to a person who has previously held a minor's target pistol permit (see **Schedule 1 [2]**), and

Firearms (General) Amendment (Miscellaneous) Regulation 2004

Explanatory note

- (b) enables the RSL (including any club or association that is an affiliated member of the RSL) to be issued with a permit authorising the possession and display of certain firearms on specified premises or locations that are not necessarily RSL clubs (see **Schedule 1 [3]–[5]**).

This Regulation is made under the *Firearms Act 1996*, including sections 21 and 88 (the general regulation-making power), in particular section 88 (2) (q) and (r).

Firearms (General) Amendment (Miscellaneous) Regulation 2004

Clause 1

Firearms (General) Amendment (Miscellaneous) Regulation 2004

under the

Firearms Act 1996

1 Name of Regulation

This Regulation is the *Firearms (General) Amendment (Miscellaneous) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Firearms (General) Regulation 1997

The *Firearms (General) Regulation 1997* is amended as set out in Schedule 1.

Firearms (General) Amendment (Miscellaneous) Regulation 2004

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 6A Term of licence (as inserted by the Firearms (General) Amendment (Fees) Regulation 2004)

Insert “or for a firearms collector licence that is part of a composite licence as referred to in clause 84 (3)” after “pistol licence” in clause 6A (1).

[2] Clause 42A

Insert after clause 42:

42A Exemption relating to probationary pistol licences

Section 16A of the Act does not apply in relation to a person who:

- (a) has applied for a category H (sport/target shooting) licence, and
- (b) is the holder of a minor’s target pistol permit (as referred to in section 32 (4) of the Act) at the time of applying for the licence, and
- (c) has held the permit for a period of at least 12 months.

[3] Clause 58 RSL display permit

Omit clause 58 (1). Insert instead:

- (1) The Commissioner may, on application by the secretary or other relevant office holder of:
 - (a) the RSL, or
 - (b) any club or association that is an affiliated member of the RSL,

issue a permit authorising the RSL, club or association to possess and display, on the premises or other location specified in the permit, a firearm or firearms of a kind that has or have been used as a weapon of war.

[4] Clause 58 (2)

Omit “club”.

Firearms (General) Amendment (Miscellaneous) Regulation 2004

Amendments

Schedule 1

[5] Clause 58 (3) and (4)

Omit clause 58 (3). Insert instead:

(3) In this clause:

RSL means the Returned and Services League of Australia (New South Wales Branch).

(4) Any permit issued under this clause and in force immediately before 1 July 2004 is taken to have been issued under this clause as amended by the *Firearms (General) Amendment (Miscellaneous) Regulation 2004*.**[6] Clause 84 Fees (as amended by the Firearms (General) Amendment (Fees) Regulation 2004)**

Omit “or D” from clause 84 (1) (a). Insert instead “, D or H”.

[7] Clause 84 (1) (c) (as inserted by the Firearms (General) Amendment (Fees) Regulation 2004)

Omit the paragraph.

[8] Clause 84 (1) (m)

Omit the paragraph. Insert instead:

(m) application fee for any other type of permit—\$75,



Fisheries Management Amendment (Fees) 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 objects of this Regulation are as follows:

- (a) to increase certain fees, charges and contributions payable under the *Fisheries Management Act 1994*, generally in line with movements in the Consumer Price Index,
- (b) to alter the basis on which the community contribution payable for a fishing period in relation to the abalone fishery is determined by providing for its calculation by reference to the total catch of abalone, rather than the total allowable catch, in the fishery during the fishing period.

This Regulation is made under the *Fisheries Management Act 1994*, including section 289 (1) (the general regulation-making power).

Fisheries Management Amendment (Fees) Regulation 2004

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Fisheries Management Amendment (Fees) Regulation 2004

Clause 1

Fisheries Management Amendment (Fees) Regulation 2004

under the

Fisheries Management Act 1994

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 July 2004.

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 (Abalone Share Management Plan) Regulation 2000

The *Fisheries Management (Abalone Share Management Plan) Regulation 2000* is amended as set out in Schedule 2.

5 Amendment of Fisheries Management (Aquaculture) Regulation 2002

The *Fisheries Management (Aquaculture) Regulation 2002* is amended as set out in Schedule 3.

6 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* is amended as set out in Schedule 4.

Fisheries Management Amendment (Fees) Regulation 2004

Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

(Clause 3)

- [1] Clause 113 Permit to use explosives**
Omit "\$111" from clause 113 (5). Insert instead "\$113".
- [2] Clause 115 Permit to use electrical devices**
Omit "\$111" from clause 115 (5). Insert instead "\$113".
- [3] Clause 133 Sorting charge for fish**
Omit "\$10.75". Insert instead "\$12".
- [4] Clause 133A Fees for permits under section 37 of the Act**
Omit "\$2,124" from clause 133A (1) (a). Insert instead "\$2,166".
- [5] Clause 133A (1) (b)**
Omit "\$56". Insert instead "\$57".
- [6] Clause 136 Nomination of commercial fisher by shareholder**
Omit "\$332" from clause 136 (1). Insert instead "\$339".
- [7] Clause 137 Special endorsements to take fish in share management fishery**
Omit "\$111". Insert instead "\$113".
- [8] Clause 141 Fee for registration of dealings in shares**
Omit "\$166" from clause 141 (1) (a). Insert instead "\$169".
- [9] Clause 141 (1) (b)**
Omit "\$332". Insert instead "\$339".
- [10] Clause 142 Fee for inspection of Share Register and registered documents**
Omit "\$10" from clause 142 (1) (a) (i). Insert instead "\$11".

Fisheries Management Amendment (Fees) Regulation 2004

Amendments to Fisheries Management (General) Regulation 2002

Schedule 1

[11] Clause 144 Fee to accompany application for commercial fishing licence

Omit "\$443" from clause 144 (a). Insert instead "\$451".

[12] Clause 144 (b)

Omit "\$111". Insert instead "\$113".

[13] Clause 147 Renewal of commercial fishing licence

Omit "\$221" from clause 147 (2) (a). Insert instead "\$226".

[14] Clause 147 (2) (b) and (7)

Omit "\$111" wherever occurring. Insert instead "\$113".

[15] Clause 150 Annual contribution to cost of research and to other industry costs

Omit "\$343" from clause 150 (1). Insert instead "\$396".

[16] Clause 151 Fee to accompany application for issue of fishing boat licence

Omit "\$155" from clause 151 (1) (a) and (b) wherever occurring.

Insert instead "\$158".

[17] Clause 151 (3) (a) and (b)

Omit "\$44" wherever occurring. Insert instead "\$45".

[18] Clause 154 Renewal of fishing boat licence

Omit "\$44" wherever occurring in clause 154 (2) (a) and (b) and (10) (a) and (b) wherever occurring.

Insert instead "\$45".

[19] Clause 154 (7)

Omit "\$111". Insert instead "\$113".

Fisheries Management Amendment (Fees) Regulation 2004

Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

[20] Clause 155 Additional licence fee for boats authorised to prawn trawl in ocean prawn trawl restricted fishery

Omit "\$1.66" wherever occurring in clause 155 (2) and (6).

Insert instead "\$1.69".

[21] Clause 158 Transfer of right to a fishing boat licence

Omit "\$277" from clause 158 (3). Insert instead "\$282".

[22] Clause 159 Boats taken to be licensed under the Act

Omit "\$111" from clause 159 (3). Insert instead "\$113".

[23] Clause 161 Fee to accompany application for registration

Omit "\$111" from clause 161. Insert instead "\$113".

[24] Clause 173 Nominated fishers

Omit "\$332" from clause 173 (2) (c). Insert instead "\$339".

[25] Clause 177 Endorsement fee

Omit "\$443" from clause 177 (1) (a). Insert instead "\$451".

[26] Clause 177 (1) (b)

Omit "\$221". Insert instead "\$226".

[27] Clause 177 (4)

Insert after clause 177 (3):

(4) The fee is payable by the relevant entitlement holder.

[28] Clause 181 Transfer of quota

Omit "\$166" from clause 181 (2) (c). Insert instead "\$169".

[29] Clause 238 Endorsement fees

Omit "\$2,213" from clause 238 (1) (a). Insert instead "\$2,257".

[30] Clause 238 (1) (b)

Omit "\$277". Insert instead "\$282".

Fisheries Management Amendment (Fees) Regulation 2004

Amendments to Fisheries Management (General) Regulation 2002

Schedule 1

[31] Clause 238 (1) (c)

Omit "\$276". Insert instead "\$282".

[32] Clause 242 Transfer fee

Omit "\$2,766" from clause 242 (1). Insert instead "\$2,822".

[33] Clause 258 Application for endorsement

Omit "\$277" wherever occurring in clause 258 (3) (a), (c) and (d).

Insert instead "\$282".

[34] Clause 258 (3) (c) and (d)

Omit "\$33" wherever occurring. Insert instead "\$34".

[35] Clause 267 Application for endorsement of licence for further period

Omit "\$277" wherever occurring in clause 267 (3) (a), (c) and (d).

Insert instead "\$282".

[36] Clause 267 (3) (c) and (d)

Omit "\$33" wherever occurring. Insert instead "\$34".

[37] Clause 273 Application for special endorsement

Omit "\$33" from clause 273 (2). Insert instead "\$34".

[38] Clause 285 Fee to accompany application for registration as fish receiver

Omit "\$830" from clause 285 (a). Insert instead "\$847".

[39] Clause 285 (b)

Omit "\$2,766". Insert instead "\$2,822".

[40] Clause 299 Annual licence fee

Omit "\$415" from clause 299 (1). Insert instead "\$423".

[41] Clause 299 (1)

Omit "\$83". Insert instead "\$85".

Fisheries Management Amendment (Fees) Regulation 2004

Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

[42] Clause 305 Transfer of entitlement to history of operations

Omit "\$277" from clause 305 (3). Insert instead "\$282".

[43] Clause 306 Boat replacement

Omit "\$277" from clause 306 (1) (b). Insert instead "\$282".

[44] Clause 308 Renewal of licence

Omit "\$111" from clause 308 (5). Insert instead "\$113".

[45] Clause 339 Fee for permit to harm marine vegetation (section 205 of the Act)

Omit "\$111" from clause 339. Insert instead "\$113".

Fisheries Management Amendment (Fees) Regulation 2004

Amendments to Fisheries Management (Abalone Share Management Plan) Regulation 2000 Schedule 2

Schedule 2 Amendments to Fisheries Management (Abalone Share Management Plan) Regulation 2000

(Clause 4)

[1] Appendix Abalone Share Management Plan

Omit "\$221" from clause 9 (2) (a). Insert instead "\$226".

[2] Appendix, clause 9 (2) (b)

Omit "\$388". Insert instead "\$395".

[3] Appendix, clause 10 (7)

Omit "\$332". Insert instead "\$339".

[4] Appendix, clause 19 (2) (b)

Omit "\$166". Insert instead "\$169".

[5] Appendix, clause 21 (5), note

Omit "\$111". Insert instead "\$113".

[6] Appendix, clause 37 (3)

Omit the subclause. Insert instead:

(3) The community contribution is calculated as follows:

$$CC = \frac{S}{TS} \times \frac{6}{100} \times TC \times P$$

where:

CC is the community contribution.

S is the number of shares in the fishery held by the shareholder on the last day of the fishing period.

TS is the total number of shares in the fishery.

TC is the total catch (in kilograms) of abalone by shareholders in the fishery during the fishing period, determined by the Minister on the basis of records kept by the Director.

P is the average beach price for abalone (in kilograms) during the fishing period, determined by the Minister on the basis of records kept by the Director.

Fisheries Management Amendment (Fees) Regulation 2004

Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

(Clause 5)

- [1] **Clause 5 Fee payable when applying for an aquaculture permit**
Omit "\$221" from clause 5 (1) (a) and (b). Insert instead "\$226".
- [2] **Clause 5 (1) (c) and (f)**
Omit "\$332". Insert instead "\$339".
- [3] **Clause 5 (1) (d), (g) and (h)**
Omit "\$553". Insert instead "\$564".
- [4] **Clause 5 (1) (e)**
Omit "\$443". Insert instead "\$451".
- [5] **Clause 5 (2) (b)**
Omit "\$107". Insert instead "\$113".
- [6] **Clause 7 Aquaculture permit holders liable to pay contributions towards cost of administration**
Omit "\$388" from clause 7 (2). Insert instead "\$395".
- [7] **Clause 11 Aquaculture permit holders liable to pay contributions for research**
Omit "\$23" from clause 11 (3). Insert instead "\$28".
- [8] **Clause 11 (4) (a) (i) and (b)**
Omit "\$111". Insert instead "\$113".
- [9] **Clause 31 Procedure for applying for an aquaculture lease**
Omit "\$553" from clause 31 (2) (a), (b) and (c). Insert instead "\$564".
- [10] **Clause 31 (2) (d)**
Omit "\$885". Insert instead "\$903".
- [11] **Clause 38 Application for renewal of an aquaculture lease**
Omit "\$443" from clause 38 (2) (a). Insert instead "\$451".

Fisheries Management Amendment (Fees) Regulation 2004

Amendments to Fisheries Management (Aquaculture) Regulation 2002

Schedule 3

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- [12] **Clause 38 (2) (b) and (d)**
Omit "\$332". Insert instead "\$339".
- [13] **Clause 38 (2) (c)**
Omit "\$553". Insert instead "\$564".
- [14] **Clause 40 Minimum rent for leased area**
Omit "\$111" from clause 40 (1) (a). Insert instead "\$113".
- [15] **Clause 40 (1) (b)**
Omit "\$41". Insert instead "\$42".
- [16] **Clause 44 Fee payable for Minister's consent to subletting of leased area**
Omit "\$388". Insert instead "\$395".
- [17] **Clause 45 Procedure for getting Minister's consent to transfer of aquaculture lease**
Omit "\$609" from clause 45 (2) (c). Insert instead "\$621".
- [18] **Clause 46 Transmission of aquaculture lease on lessee's death**
Omit "\$388" from clause 46 (1) (b). Insert instead "\$395".
- [19] **Clause 47 Aquaculture lease may be surrendered**
Omit "\$277" from clause 47 (1) (b). Insert instead "\$282".
- [20] **Clause 47 (3) (d)**
Omit "\$388". Insert instead "\$395".
- [21] **Clause 48 Aquaculture leases may be consolidated**
Omit "\$443" from clause 48 (2) (c). Insert instead "\$451".
- [22] **Clause 49 Aquaculture leases may be subdivided**
Omit "\$443" from clause 49 (2) (c). Insert instead "\$451".

Fisheries Management Amendment (Fees) Regulation 2004

Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

[23] Clause 66 Permit required to gather marine vegetation for commercial purposes

Omit "\$111" from clause 66 (10). Insert instead "\$113".

[24] Clause 67 Fee for permit under section 37

Omit "\$166" from clause 67 (1). Insert instead "\$169".

Fisheries Management Amendment (Fees) Regulation 2004

Amendments to Fisheries Management (Lobster Share Management Plan) Regulation 2000 Schedule 4

Schedule 4 Amendments to Fisheries Management (Lobster Share Management Plan) Regulation 2000

(Clause 6)

[1] Appendix Lobster Share Management Plan

Omit "\$221" from clause 9 (2) (a). Insert instead "\$226".

[2] Appendix, clause 9 (2) (b)

Omit "\$388". Insert instead "\$395".

[3] Appendix, clause 10 (7)

Omit "\$332". Insert instead "\$339".

[4] Appendix, clause 19 (2) (b)

Omit "\$166". Insert instead "\$169".

[5] Appendix, clause 46 (5), note

Omit "\$111". Insert instead "\$113".

[6] Appendix, clause 54

Omit clauses 54 (3) and (4). Insert instead:

- (3) No community contribution is payable for the fishing period commencing on 1 July 2003 and ending on 30 June 2004.
- (4) The community contribution for each subsequent fishing period is \$109.



Fisheries Management (General) Amendment (Annual Contributions) 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 amend the *Fisheries Management (General) Regulation 2002* to require certain fishers to pay a contribution towards the cost of fishery monitoring programs under fishery management strategies.

The contribution is payable by commercial fishers who are authorised to take fish for sale, or for use as bait, in certain fisheries. The fisheries are listed in the Regulation. The contribution is \$300 for the first fishery, and \$100 for each additional fishery, up to a maximum of \$600.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 106 and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Annual Contributions)
Regulation 2004

Fisheries Management (General) Amendment (Annual Contributions) Regulation 2004

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Annual Contributions) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Fisheries Management (General) Regulation 2002

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

Fisheries Management (General) Amendment (Annual Contributions)
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 150A

Insert after clause 150:

150A Annual contribution towards fishery monitoring programs

- (1) An annual contribution calculated as follows is payable by the holder of a commercial fishing licence who is authorised by or under the Act to take fish for sale or, in the case of the tuna bait fishery, for use as bait, in one or more of the following fisheries:
 - (a) the estuary general restricted fishery,
 - (b) the estuary prawn trawl restricted fishery,
 - (c) the ocean hauling restricted fishery,
 - (d) the ocean trap and line restricted fishery,
 - (e) the ocean trawl fishery,
 - (f) the southern ocean fish trawl fishery,
 - (g) the tuna bait fishery.
- (2) The annual contribution is payable towards the costs of carrying out fishery monitoring programs approved by the Minister.
- (3) The annual contribution payable is \$300 for the first fishery referred to in subclause (1) (a)–(g) in which the licence holder is authorised to take fish for sale or for use as bait, plus \$100 for each other fishery referred to in those paragraphs in which the licence holder is authorised to take fish for sale or for use as bait, up to a maximum of \$600.
- (4) The contribution is payable in relation to a fishery referred to in subclause (1) only if the licence holder is the owner, or one of the owners, of a fishing business. This subclause does not apply in relation to the tuna bait fishery.

Note. See Division 4C of Part 2 of the Act in relation to fishing businesses.
- (5) The contribution must be paid in accordance with arrangements for payment approved by the Minister.

Fisheries Management (General) Amendment (Annual Contributions)
Regulation 2004

Schedule 1 Amendment

(6) The contribution payable under this clause in relation to a commercial fishing licence is additional to any other contribution, fee or charge that is payable in relation to the licence (including the contribution referred to in clause 150).

(7) In this clause:

ocean trawl fishery means the fishery comprised of:

- (a) the ocean prawn trawl restricted fishery, and
- (b) the ocean fish trawl restricted fishery (not including the southern ocean fish trawl fishery).

southern ocean fish trawl fishery means that part of the ocean fish trawl restricted fishery that is comprised of the use of an otter trawl net (prawns) to take fish from ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east from Barrenjoey Headland.

tuna bait fishery means the fishery comprised of the use of a purse seine net or submersible lift net (bait) to take blue mackerel, yellowtail scad or pilchards from ocean waters within 3 nautical miles of the natural coast line for use as live bait in tuna fishing operations.



Food Amendment (Food Safety Schemes) Regulation 2004

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

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

Explanatory note

The object of this Regulation is to amend the *Food Production (Dairy Food Safety Scheme) Regulation 1999* as follows:

- (a) to enable a licensed dairy farmer or dairy produce merchant to supply unpasteurised milk or cream to Dairy Farmers Milk Co-operative Limited,
- (b) to enable Dairy Farmers Milk Co-operative Limited to supply a licensed dairy produce factory with milk and cream that has not been pasteurised so long as Dairy Farmers Milk Co-operative Limited has obtained the milk and cream originally from a licensed dairy farmer or dairy produce merchant and merely on-sold it.

The Regulation also amends the *Food Production (Seafood Safety Scheme) Regulation 2001* as follows:

- (a) to replace the annual general seafood levy with an annual general licence fee that will be calculated on the same basis as the levy and will be able to be increased by the NSW Food Authority in accordance with increases in the Consumer Price Index,
- (b) to replace the annual State shellfish program levy with an annual licence fee to be determined by the NSW Food Authority and an annual shellfish service area levy calculated by the Authority on the basis of the number of hectares leased by the holder of a licence for certain aquaculture purposes under the *Fisheries Management (Aquaculture) Regulation 2002*,

Food Amendment (Food Safety Schemes) Regulation 2004

Explanatory note

(c) to make an amendment by way of law revision.

This Regulation is made under the *Food Act 2003*, including sections 102, 117C and 139 (the general regulation-making power).

Food Amendment (Food Safety Schemes) Regulation 2004

Clause 1

Food Amendment (Food Safety Schemes) Regulation 2004

under the

Food Act 2003

1 Name of Regulation

This Regulation is the *Food Amendment (Food Safety Schemes) Regulation 2004*.

2 Amendment of Food Production (Dairy Food Safety Scheme) Regulation 1999

The *Food Production (Dairy Food Safety Scheme) Regulation 1999* is amended as set out in Schedule 1.

3 Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

The *Food Production (Seafood Safety Scheme) Regulation 2001* is amended as set out in Schedule 2.

Food Amendment (Food Safety Schemes) Regulation 2004

Schedule 1 Amendment of Food Production (Dairy Food Safety Scheme) Regulation 1999

Schedule 1 Amendment of Food Production (Dairy Food Safety Scheme) Regulation 1999

(Clause 2)

[1] Schedule 1 Dairy Food Safety Scheme

Insert at the end of clause 7 (2) (c) (ii):

, or

- (d) to the supply of milk or cream by a dairy farmer, or dairy produce merchant, who is the holder of a licence to Dairy Farmers Milk Co-operative Limited (ARBN 108 690 384), or
- (e) to the supply of milk or cream by Dairy Farmers Milk Co-operative Limited if the conditions set out in subclause (3) are complied with in relation to that supply.

[2] Schedule 1, clause 7 (3)

Insert after clause 7 (2):

- (3) For the purposes of subclause (2) (e), the following conditions must be complied with:
 - (a) Dairy Farmers Milk Co-operative Limited must obtain the milk or cream from a dairy farmer, or dairy produce merchant, who is the holder of a licence,
 - (b) Dairy Farmers Milk Co-operative Limited must supply the milk or cream to a licensed dairy produce factory,
 - (c) Dairy Farmers Milk Co-operative Limited must not deal with, or handle, the milk or cream except by obtaining it or supplying it in accordance with paragraphs (a) and (b) or disposing of it in a manner that will ensure that it cannot be used for the purposes of human consumption.

Food Amendment (Food Safety Schemes) Regulation 2004

Amendment of Food Production (Seafood Safety Scheme) Regulation 2001 Schedule 2

Schedule 2 Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

(Clause 3)

[1] Clause 4 Interpretation

Omit the definitions of *annual general seafood levy*, *annual State shellfish program levy* and *seafood* from clause 4 (1).

[2] Clause 4 (1)

Insert in alphabetical order:

seafood—see clause 5A.

[3] Clause 5A

Insert after clause 5:

5A Meaning of “seafood”

- (1) In this Regulation, *seafood* means any of the following intended for human consumption:
 - (a) marine, estuarine or freshwater fish or other aquatic animal life,
 - (b) any aquatic organisms,
 - (c) any product of, or anything containing a product of, fish, animal life or aquatic organisms referred to in paragraphs (a) and (b).
- (2) However, seafood does not include the following:
 - (a) crocodile,
 - (b) aquatic plant life,
 - (c) any product of, or anything containing a product of, crocodile or aquatic plant life that does not also contain any other thing referred to in subclause (1) (a)–(c).

[4] Clause 31 Funding of committees

Omit “money levied” from clause 31 (1).

Insert instead “licence fees and levies payable”.

Food Amendment (Food Safety Schemes) Regulation 2004

Schedule 2 Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

[5] Part 8, heading

Omit the heading. Insert instead:

Part 8 Licence fees and levies

[6] Part 8, Division 1

Omit the heading. Insert instead:

Division 1 Annual general licence fees

[7] Clause 32 Payment of annual general seafood levy

Omit the clause.

[8] Clause 33 Payment of annual general licence fee

Omit clause 33 (1). Insert instead:

(1) The holder of a licence who carries on one or more of the activities specified in Column 1 of Schedule 3 is to pay a licence fee each year to the Food Authority calculated in accordance with this clause.

(1A) The licence fee payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

[9] Clause 33 (2)

Omit "levy". Insert instead "amount".

[10] Clause 33 (3)

Omit "levy". Insert instead "licence fee".

[11] Clause 33 (3)

Omit "amount of each of the levies". Insert instead "of each amount".

Food Amendment (Food Safety Schemes) Regulation 2004

Amendment of Food Production (Seafood Safety Scheme) Regulation 2001 Schedule 2

[12] Clause 33 (5)

Insert after subclause (4):

- (5) The Food Authority may increase the amount of any licence fee payable under this clause annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

[13] Clause 33 (6)

Omit the subclause.

[14] Part 8, Division 2

Omit the Division. Insert instead:

Division 2 Licence fees and levies for State shellfish program

34 Payment of shellfish licence fees

- (1) The holder of a licence that authorises the harvesting of shellfish or the operation of a depuration plant is to pay a licence fee each year to the Food Authority.
- (2) The amount of the licence fee is the fee determined by the Food Authority or the fee calculated on the basis determined by the Food Authority.
- (3) The Food Authority may determine a fee, or a basis for calculating a fee, for the purposes of subclause (2) that:
 - (a) applies generally or is limited in its application by reference to specified exceptions or factors, or
 - (b) applies differently according to different factors of a specified kind.
- (4) The licence fee payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

35 Shellfish area service levy

- (1) The holder of a licence is to pay a levy each year to the Food Authority if the holder:

Food Amendment (Food Safety Schemes) Regulation 2004

Schedule 2 Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

-
- (a) is also the holder of a class A aquaculture permit issued under Part 6 of the *Fisheries Management Act 1994* that authorises the carrying on of any activity authorised by the licence, and
 - (b) is the lessee under an aquaculture lease granted under Part 6 of that Act.
- (2) The amount of the levy payable under this clause by the holder of a licence is to be calculated by multiplying the number of hectares (including any part of a hectare) of the area of the aquaculture lease granted to the holder by \$9.
 - (3) The levy payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

35A Purposes for which licence fee or levy to be applied

A licence fee or levy payable under this Division is to be applied only for the following purposes:

- (a) meeting the costs incurred in maintaining the NSW Shellfish Committee,
- (b) meeting the costs incurred by that Committee in carrying out its responsibilities,
- (c) contributing to the operating costs of the Program.

[15] Clause 36 Payment of annual local shellfish program levy

Omit clause 36 (3)–(8).

[16] Part 8, Division 4

Insert after Division 3:

Division 4 Procedures for payment of licence fees and levies

37A Payment of licence fees and levies

- (1) The Food Authority is to issue to each holder of a licence who is liable to pay a licence fee or levy under this Part a notice in writing:
 - (a) specifying the amount of the licence fee or levy and the period (being not less than 30 days after the issue of the notice) within which the licence fee or levy must be paid, and

Food Amendment (Food Safety Schemes) Regulation 2004

Amendment of Food Production (Seafood Safety Scheme) Regulation 2001 Schedule 2

- (b) specifying (where relevant) the method of calculating the amount of the licence fee or levy to be paid by that holder.
- (2) The holder of a licence is to pay the licence fee or levy to the Food Authority within the period specified in the notice for its payment unless the holder has approval from the Food Authority under this clause to pay the licence fee or levy by instalments.
- (3) The holder of a licence may, before the expiration of the period referred to in subclause (1) (a), apply to the Food Authority for approval to pay the licence fee or levy for a particular year by instalments.
- (4) An approval under this clause must be notified in writing to the holder of the licence concerned and must specify the amount of each instalment and the date by which each instalment must be paid.
- (5) The holder of a licence who has been given approval by the Food Authority to pay the licence fee or levy by instalments must pay each instalment in accordance with the terms of the approval.
- (6) If there is a failure by the holder of a licence who has approval to pay the licence fee or levy by instalments to pay the amount of an instalment by the date required in the approval, the total unpaid balance of the licence fee or levy may be treated by the Food Authority as an overdue amount even if payment by instalments has commenced.
- (7) The Food Authority may reduce or waive payment of a licence fee or levy in a particular case or class of cases.
- (8) Without limiting subclause (7), if a licence is granted after the commencement of a year for which a licence fee or levy is payable, the Food Authority may reduce the licence fee or levy payable by the holder of the licence for that year by a proportionate amount.

[17] Schedule 3, heading

Omit the heading. Insert instead:

Schedule 3 Annual general licence fees

	Food Amendment (Food Safety Schemes) Regulation 2004
Schedule 2	Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

[18] Schedule 5 Savings and transitional provisions

Insert after clause 6:

7 Licence fees and levies for 2003 to 2004

- (1) The amendments made to clauses 32 and 33 by the *Food Amendment (Food Safety Schemes) Regulation 2004* apply only in respect of the year commencing on 1 July 2004 and each subsequent year. Accordingly, this Regulation, as in force immediately before the commencement of that Regulation, applies to and in respect of a levy imposed under clause 32 in respect of a year commencing before 1 July 2004.
- (2) In relation to the year commencing on 1 July 2003, the Food Authority is taken to have determined an amount of \$750 as the licence fee for the purposes of clause 34 (2).



Funeral Funds Amendment (Fees) Regulation 2004

under the

Funeral Funds Act 1979

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

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

Explanatory note

The object of this Regulation is to increase the fees payable to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in the *Funeral Funds Act 1979* as the Director-General of that Department) in relation to funeral contribution funds and pre-arranged funeral funds. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Funeral Funds Act 1979*, including section 92 (the general regulation-making power).

Clause 1 Funeral Funds Amendment (Fees) Regulation 2004

Funeral Funds Amendment (Fees) Regulation 2004

under the

Funeral Funds Act 1979

1 Name of Regulation

This Regulation is the *Funeral Funds Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Funeral Funds Regulation 2001

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

Funeral Funds Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 24

Omit the clause. Insert instead:

24 Fees

The fees to be taken in the office of the Director-General are as set out in the Table to this clause.

Table

Matter	Fee
For registering a funeral contribution fund	\$379
For registering a pre-arranged funeral fund	\$379
For approving an alteration of or addition to the rules of a funeral contribution fund	\$127
For confirming a scheme of transfer or amalgamation of the contributory funeral benefit business of a funeral contribution fund	\$51
For confirming a scheme of transfer of trust funds under pre-arranged contracts	\$51
For receiving an application for the enlargement or abridgment of time for the doing of any act required by or under the Act to be done	\$51
For receiving a return and any accompanying documents referred to in section 24 (1) of the Act or a return referred to in clause 21	\$51
For receiving a copy of an auditor's report on a pre-arranged funeral fund under clause 17 (2)	\$51

Funeral Funds Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Matter	Fee
For providing a copy of a return or document, or part of a return or document, certified under the hand and seal of the Director-General to be a true copy	\$1 per page provided that the total fee does not exceed \$35
For confirming the appointment of a substitute or additional trustee under section 38 of the Act	\$51



Land and Environment Court Amendment (Fees) Regulation 2004

under the

Land and Environment Court Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Land and Environment Court Act 1979*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain fees (as set out in the *Land and Environment Court Regulation 2000*) to be taken in respect of the business of the Land and Environment Court.

Consistently with fees payable by corporations in respect of the business of certain other courts and tribunals, this Regulation introduces a fee at a corporate rate (being twice the individual rate) for the issue of a subpoena (for production or to give evidence, or both). This Regulation also contain several amendments to the Principal Regulation of a consequential nature.

This Regulation is made under the *Land and Environment Court Act 1979*, including section 78 (the general regulation-making power) and, in particular, section 78 (a).

Clause 1 Land and Environment Court Amendment (Fees) Regulation 2004

Land and Environment Court Amendment (Fees) Regulation 2004

under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Land and Environment Court Regulation 2000

The *Land and Environment Court Regulation 2000* is amended as set out in Schedule 1.

Land and Environment Court Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3A Definitions

Insert in alphabetical order:

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

[2] Clause 4 Fees generally

Insert at the end of the clause:

- (2) However, a reference in that Schedule to a corporation does not include a reference to a corporation that produces evidence, satisfactory to the registrar:
 - (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
 - (b) if the corporation has not been in existence for a full financial year—that its turnover in its first financial year is likely to be less than \$200,000.

[3] Clause 5 Persons by and to whom fees payable

Insert after clause 5 (2):

- (3) A reference in Schedule 1 to a fee payable in the case of a corporation is a reference to a corporation on whose behalf a request is made to file a document or render a service.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

\$

1	Filing a process to commence proceedings in Class 1 of the Court's jurisdiction (other than proceedings referred to in item 2 or 3)	616.00
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Page 3

Land and Environment Court Amendment (Fees) Regulation 2004

Schedule 1 Amendments

	\$
2	Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building:
(a)	is less than \$50,000 181.00
(b)	is \$50,000 or more but less than \$500,000 616.00
(c)	is \$500,000 or more but less than \$1,000,000 2,809.00
(d)	is \$1,000,000 or more 3,508.00
3	Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to an appeal under section 96AA or 98 of the <i>Environmental Planning and Assessment Act 1979</i> 181.00
4	Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in item 5) 616.00
5	Filing a process to commence proceedings in Class 2 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building is less than \$50,000 181.00
6	Filing a process to commence proceedings in Class 3 of the Court's jurisdiction (other than proceedings referred to in item 7, 8 or 9) 616.00
7	Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal, reference or other matter under the <i>Crown Lands Act 1989</i> , the <i>Crown Lands (Continued Tenures) Act 1989</i> , the <i>Roads Act 1993</i> , the <i>Water Act 1912</i> , the <i>Water Management Act 2000</i> or the <i>Western Lands Act 1901</i> 87.00

Land and Environment Court Amendment (Fees) Regulation 2004

Amendments

Schedule 1

	\$
8	Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority:
(a)	is less than \$100,000 159.00
(b)	is \$100,000 or more but less than \$500,000 215.00
(c)	is \$500,000 or more but less than \$1,000,000 340.00
(d)	is \$1,000,000 or more 482.00
9	Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the <i>Land and Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority:
(a)	is less than \$50,000 181.00
(b)	is \$50,000 or more but less than \$500,000 616.00
(c)	is \$500,000 or more but less than \$1,000,000 2,809.00
(d)	is \$1,000,000 or more 3,508.00
10	In respect of item 6, 8 or 9, if the registrar determines that, because of the substance of the matter and its lack of complexity, the fee referred to in the item is not appropriate 87.00
11	Filing a process to commence proceedings in Class 4 of the Court's jurisdiction 616.00
12	Filing a process to commence proceedings in Class 5 of the Court's jurisdiction 616.00
13	Filing a process to commence proceedings in Class 6 or 7 of the Court's jurisdiction 181.00

Land and Environment Court Amendment (Fees) Regulation 2004

Schedule 1 Amendments

	\$
14 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	749.00
15 Filing a process to commence proceedings for modification of a development consent, or for modification of an approval, granted by the Court on appeal	112.00 or 30% of the original filing fee paid to the Court (whichever is the greater)
16 Production of a document, by an officer of the Court, elsewhere than at the place at which the Court sits and elsewhere than at the office of the registrar	51.00
17 Making a copy of a document, for each page (minimum fee of \$10.00)	2.00
18 Supplying a copy of the transcript/diskette of proceedings:	
(a) for each page (or equivalent) where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages (or equivalent) of \$64.00)	7.60
(b) for each page (or equivalent) where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages (or equivalent) of \$75.00)	8.70
(c) for each diskette also supplied (in addition to fee under paragraph (a) or (b))	5.20
19 Furnishing a party to proceedings with a second or subsequent copy of the written opinion or reasons for opinion of a Judge or of a commissioner or other officer of the Court in relation to the proceedings, for each copy	48.00

Land and Environment Court Amendment (Fees) Regulation 2004

Amendments

Schedule 1

	\$
20	48.00
Furnishing a person (other than a party to proceedings) with a first or subsequent copy of the written opinion or reasons for opinion of a Judge or of a commissioner or other officer of the Court in relation to any proceedings, for each copy	
21	488.00
Opening, or keeping open, the office of the registrar:	
(a) on a Saturday, Sunday or public holiday, or	
(b) on any other day before 8.30 am or after 5 pm	
22	41.00
Supplying a duplicate tape recording of sound-recorded evidence, for each cassette	
23	110.00 (in the case of a corporation) or 55.00 (in any other case)
To issue a subpoena (for production, to give evidence, or both)	
24	25.00
Retrieving a document from archival storage, for each document	



Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

under the

Local Courts (Civil Claims) Act 1970

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Courts (Civil Claims) Act 1970*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain court fees (as set out in the *Local Courts (Civil Claims) Regulation 2000*) payable in respect of civil proceedings before a Local Court.

This Regulation is made under the *Local Courts (Civil Claims) Act 1970*, including section 85 (Regulations—court fees).

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

under the

Local Courts (Civil Claims) Act 1970

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Local Courts (Civil Claims) Regulation 2000

The *Local Courts (Civil Claims) Regulation 2000* is amended as set out in Schedule 1.

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

\$

1 Filing a statement of claim:

- | | | |
|-----|---|---|
| (a) | in respect of a claim for an amount not exceeding \$3,000 | 126.00 (in the case of a corporation) or 63.00 (in any other case) |
| (b) | in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000 | 166.00 (in the case of a corporation) or 83.00 (in any other case) |
| (c) | in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000 | 316.00 (in the case of a corporation) or 158.00 (in any other case) |
| (d) | in respect of a claim for an amount exceeding \$40,000 | 440.00 (in the case of a corporation) or 220.00 (in any other case) |

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
2	Filing a notice of cross-claim or a third or subsequent party notice:	
(a)	in respect of a claim for an amount not exceeding \$3,000	126.00 (in the case of a corporation) or 63.00 (in any other case)
(b)	in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	166.00 (in the case of a corporation) or 83.00 (in any other case)
(c)	in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000	316.00 (in the case of a corporation) or 158.00 (in any other case)
(d)	in respect of a claim for an amount exceeding \$40,000	440.00 (in the case of a corporation) or 220.00 (in any other case)
3	Filing a notice of motion under Part 15 of the <i>Local Courts (Civil Claims) Rules 1988</i> in respect of an action commenced in the General Division	114.00 (in the case of a corporation) or 57.00 (in any other case)

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$
4 Filing a certificate or certified copy of conviction or order	126.00 (in the case of a corporation) or 63.00 (in any other case)
5 Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the rehearing of an action referred for arbitration. This amount is subject to any rules providing for the refund of the whole or any part of the amount	560.00 (in the case of a corporation) or 280.00 (in any other case)
6 Making a copy of any document or part of a document, other than as prescribed by item 8, for each page (minimum fee of \$10.00)	2.00
7 Supply of duplicate tape recording of sound-recorded evidence, for each cassette	35.00
8 For each copy of the transcript of any proceedings:	
(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$64.00)	7.60
(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$75.00)	8.70
9 Except as provided by item 10, service or attempted service by an officer of the Sheriff of any process or other document, including service by post and preparation of affidavit of service—for each address at which service of the process or other document is effected or attempted	44.00
10 Service or attempted service of a statement of claim by post—for each address at which service is effected or attempted	28.00

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

	\$
11 Filing an application for a certificate of judgment (otherwise than pursuant to the <i>Service and Execution of Process Act 1992</i> of the Commonwealth)	22.00 (in the case of a corporation) or 11.00 (in any other case)
12 (a) To issue a subpoena for production	56.00 (in the case of a corporation) or 28.00 (in any other case)
(b) To issue a subpoena for production and to give evidence	56.00 (in the case of a corporation) or 28.00 (in any other case)
(c) To issue a subpoena to give evidence	22.00 (in the case of a corporation) or 11.00 (in any other case)
13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor—for each address at which execution of the writ or warrant is effected or attempted	55.00
14 Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession	} As prescribed by the scale of fees under the <i>Sheriff Act 1900</i>
15 Levy on writ of execution	
16 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	

Local Courts (Civil Claims) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$
17 Examination of a judgment debtor by a registrar	104.00 (in the case of a corporation) or 52.00 (in any other case)



Local Courts (Transitional Fees) Regulation 2004

under the

Local Courts Act 1982

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to replace the existing provisions with respect to fees chargeable under the *Local Courts Act 1982* with a new transitional regulation, to have effect for the period between 1 July 2004 and 30 June 2005, that increases current fees by approximately 4 per cent. The current fees are regulated by provisions of the *Justices (General) Regulation 2000* that, following the repeal of the *Justices Act 1902*, have been continued in force by clause 16 of Schedule 1 to the *Local Courts Act 1982*.

This Regulation is made under the *Local Courts Act 1982*, including section 28 (the general power to make regulations) and clause 16 of Schedule 1.

This Regulation is of a transitional nature.

Clause 1 Local Courts (Transitional Fees) Regulation 2004

Local Courts (Transitional Fees) Regulation 2004

under the

Local Courts Act 1982

1 Name of Regulation

This Regulation is the *Local Courts (Transitional Fees) Regulation 2004*.

2 Commencement and expiry

This Regulation commences on 1 July 2004 and expires on 30 June 2005.

3 Object of Regulation

The object of this Regulation is to replace the fee regime that currently applies by virtue of clause 16 of Schedule 1 to the *Local Courts Act 1982* with a new regime that increases the fees chargeable in respect of certain proceedings before a Local Court or a Magistrate for the period between 1 July 2004 and 30 June 2005.

4 Fees

The fees payable to a registrar of a Local Court in respect of proceedings before a Local Court or a Magistrate are as set out in Schedule 1.

5 Remission or postponement of fees

- (1) A registrar of a Local Court, or governor of a correctional centre, who is satisfied that a person is unable, for any reason, to pay a fee payable under this Regulation may, conditionally or unconditionally, remit or postpone the fee.
- (2) The power of a registrar of a Local Court under this clause may also be exercised by a person holding office as, or appointed to act temporarily as, a registrar of the Children's Court.

-
- (3) A registrar of a Local Court or registrar of the Children's Court:
- (a) may delegate the power to remit or postpone a fee to a deputy registrar of the Local Court or a deputy registrar of the Children's Court, and
 - (b) may delegate the power to postpone a fee to a public servant who is a grade 3/4 administrative or clerical officer or above.

6 Postponement of fees in certain other cases

- (1) The taking of any fee by a registrar of a Local Court or governor of a correctional centre in respect of proceedings involving a legally assisted party is, if the fee is payable by the legally assisted party, to be postponed until judgment has been given in the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if:
 - (a) judgment in the proceedings is against the legally assisted party, or
 - (b) judgment is in favour of the legally assisted party, but costs are not awarded in his or her favour.
- (3) A registrar of a Local Court must not refuse to file or issue any document relevant to the proceedings merely because a fee has not been taken in respect of the proceedings on behalf of the legally assisted party.
- (4) For the purpose of this clause, a party to proceedings is a *legally assisted party* if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*.

7 Fee lists to be shown to public on request

The list of fees set out in Schedule 1 must be kept at each Local Court and shown to members of the public on request.

8 Continued provisions cease to have effect

Part 2 and Schedule 1 of the *Justices (General) Regulation 2000*, as continued in force by clause 16 of Schedule 1 to the *Local Courts Act 1982*, cease to have effect.

Local Courts (Transitional Fees) Regulation 2004

Schedule 1 Court fees

Schedule 1 Court fees

(Clause 4)

	\$
1 Application notice under Part 6 of the <i>Local Courts Act 1982</i> (includes issue and service of notice if required)	63.00
2 Court attendance notice under Chapter 4 of the <i>Criminal Procedure Act 1986</i>	63.00
3 Complaint under Part 15A of the <i>Crimes Act 1900</i> , or application for variation or revocation of an order under that Part	Nil
4 Application of a kind not otherwise provided for in this Schedule (includes issue and service of notice of hearing if required)	63.00
5 For each additional respondent in relation to a matter to which item 4 relates	41.00
6 Issue of subpoena: for each witness to be served	34.00
7 Service of subpoena: for each witness to be served	44.00
8 Certificate of conviction, order or dismissal	41.00
9 Notice of appeal to District Court: one appellant	76.00
10 Further notices of appeal (by the same appellant) in respect of convictions or orders made or sentences imposed, together with the conviction, order or sentence to which a notice of appeal under item 9 relates	41.00
11 Copy of any deposition, transcript or diskette (unless otherwise provided for under any other Act):	
(a) for each page (or equivalent), where the matter being transcribed is under 3 months old	7.60
(minimum fee for 1 to 8 pages (or equivalent) of \$64.00)	

Local Courts (Transitional Fees) Regulation 2004

Court fees

Schedule 1

	\$
(b) for each page (or equivalent), where the matter being transcribed is 3 months old or older	8.70
(minimum fee for 1 to 8 pages (or equivalent) of \$75.00)	
12 Copy of any document (other than a deposition, transcript or diskette), for each page	2.00
(minimum fee of \$10.00)	
13 Duplicate tape recording of sound-recorded evidence, for each cassette	35.00



Mining Amendment (Royalties) Regulation 2004

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

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

Explanatory note

The object of this Regulation is to amend the *Mining Regulation 2003* for the following purposes:

- (a) to replace the existing rates of royalty payable on coal, which are based on a rate per tonne of coal recovered, with a rate based on a percentage of the value of coal recovered, with the rate to vary according to the method of mining used to recover the coal,
- (b) to enable the Director-General of the Department of Mineral Resources to require additional matters to be included in royalty returns and additional records to be kept,
- (c) to make other consequential amendments.

This Regulation is made under the *Mining Act 1992*, including section 283 and section 388 (the general regulation-making power).

Clause 1 Mining Amendment (Royalties) Regulation 2004

Mining Amendment (Royalties) Regulation 2004

under the

Mining Act 1992

1 Name of Regulation

This Regulation is the *Mining Amendment (Royalties) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Mining Regulation 2003

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

Mining Amendment (Royalties) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 44 Rates of royalty for minerals other than coal

Insert “(other than coal)” after “mineral” where firstly occurring in clause 44 (1) (b).

[2] Clause 44 (2), (4) and (5)

Omit the subclauses.

[3] Clause 44A

Insert after clause 44:

44A Rates of royalty for coal

- (1) For the purposes of section 283 (1) (a) of the Act, the base rate of royalty for coal is as follows:
 - (a) 7% of the value of coal recovered by open cut mining,
 - (b) 6% of the value of coal recovered by underground mining,
 - (c) 5% of the value of coal recovered by deep underground mining.
- (2) For the purposes of this clause, the quantity of coal taken to have been recovered during any particular period is the quantity of coal disposed of by the holder of the mining lease during the period, as determined by the Minister on the basis of the records kept by the holder of the mining lease.
- (3) For the purposes of this clause, if coal is recovered by the holder of a mining lease by more than one method of mining or if there is a dispute as to the method by which coal was recovered, the Minister may determine how it was recovered and may determine what value of coal was recovered by what method.
- (4) In this clause:

deep underground mining means mining carried out at a mine in which coal situated at a depth of 400 metres or more is extracted by means other than open cut methods.

open cut mining means mining carried out at a mine in which coal is extracted by open cut methods.

Mining Amendment (Royalties) Regulation 2004

Schedule 1 Amendments

underground mining means mining (other than deep underground mining) carried out at a mine in which coal is extracted other than by open cut methods.

[4] Clause 45 Returns

Insert after clause 45 (1) (a) (ii):

, and

- (iii) in the case of any mineral—any other matters required by the Director-General to be shown.

[5] Clause 45 (2) (e)

Insert after clause 45 (2) (d):

, and

- (e) any other records relating to the minerals required by the Director-General to be kept.

[6] Schedule 7 Rate of royalty

Omit the matter relating to coal.



New South Wales

Motor Vehicle Repairs Amendment (Fees) Regulation 2004

under the

Motor Vehicle Repairs Act 1980

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Vehicle Repairs Act 1980*.

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

Explanatory note

The object of this Regulation is to increase fees payable in relation to the licensing of repair businesses and the certification of repair tradespersons under the *Motor Vehicle Repairs Act 1980*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation also clarifies the existing arrangement that each place of business or mobile workshop is granted a separate licence and is charged an annual fee in relation to each business or mobile workshop.

This Regulation is made under the *Motor Vehicle Repairs Act 1980*, including section 89 (the general regulation-making power).

Clause 1 Motor Vehicle Repairs Amendment (Fees) Regulation 2004

Motor Vehicle Repairs Amendment (Fees) Regulation 2004

under the

Motor Vehicle Repairs Act 1980

1 Name of Regulation

This Regulation is the *Motor Vehicle Repairs Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Motor Vehicle Repairs Regulation 1999

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

Motor Vehicle Repairs Amendment (Fees) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 13 Fees

Omit "\$50" from clause 13 (1) (a). Insert instead "\$51".

[2] Clause 13 (2) (a)

Omit "\$353". Insert instead "\$361".

[3] Clause 13 (2) (a)

Omit "\$159". Insert instead "\$163".

[4] Clause 13 (2) (b)

Omit "\$245". Insert instead "\$251".

[5] Clause 13 (2) (c)

Omit "\$57". Insert instead "\$58".

[6] Clause 13 (2) (d)

Omit "\$159 for the annual fee for a licence".

Insert instead "\$163 for the annual fee for a licence for each place of business or mobile workshop".



New South Wales

Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the application for a licence under the *Pawnbrokers and Second-hand Dealers Act 1996*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including section 43 (the general regulation-making power).

Clause 1 Pawnbrokers and Second-hand Dealers Amendment (Fees)
 Regulation 2004

Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

Pawnbrokers and Second-hand Dealers Amendment (Fees)
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clause 8)

Column 1	Column 2	Column 3
Nature of fee payable	Processing component	Fixed component
Application fee for granting of licence	\$137	\$243
Application fee for renewal of licence	\$32	\$243
Application fee for restoration of licence	\$137	\$243
Application fee for replacement of licence	\$21	nil
Application fee for extract of register (per entry)	nil	\$12



Pawnbrokers and Second-hand Dealers Amendment Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

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

Explanatory note

The objects of this Regulation are as follows:

- (a) to delay (until 15 December 2004) the commencement of certain amendments to the *Pawnbrokers and Second-hand Dealers Regulation 2003* that are contained in that Regulation,
- (b) to provide that the selling of second-hand goods in the course of conducting a rental business does not in itself constitute the business of buying or selling second-hand goods for the purposes of the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (c) to modify certain signage requirements.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including sections 32C, 32L and 43 (the general regulation-making power), in particular, section 43 (1) (i).

Clause 1 Pawnbrokers and Second-hand Dealers Amendment Regulation 2004

Pawnbrokers and Second-hand Dealers Amendment Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment Regulation 2004*.

2 Commencement

This Regulation commences on 30 June 2004.

3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

Pawnbrokers and Second-hand Dealers Amendment Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Commencement

Omit “1 July” from clause 2 (3). Insert instead “15 December”.

[2] Clause 5 Meaning of “second-hand goods”

Omit “, however,” from clause 5 (3).

[3] Clause 5 (3) (c)

Insert at the end of clause 5 (3) (b):

, or

- (c) sells any goods that have become second-hand goods by reason of being used in the course of a rental business conducted by the person,

[4] Clause 24A Notice specifying interest rates and other fees and charges

Omit clause 24A (a) and (b). Insert instead:

- (a) must be legible and in the English language, and
- (b) must use Arial text of not less than 2.5cm in height, and

[5] Clause 25C Notice relating to operation of Part 4A of Act

Omit clause 25C (b) and (c). Insert instead:

- (b) be legible and in the English language, and
- (c) use Arial text of not less than 2.5cm in height, and



Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2004

under the

Property, Stock and Business Agents Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 2002*.

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

Explanatory note

The object of this Regulation is to increase application fees for licences and certificates of registration and Compensation Fund contributions payable under the *Property, Stock and Business Agents Act 2002*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including section 230 (the general regulation-making power).

Clause 1 Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2004

Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2004

under the

Property, Stock and Business Agents Act 2002

1 Name of Regulation

This Regulation is the *Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Property, Stock and Business Agents Regulation 2003

The *Property, Stock and Business Agents Regulation 2003* is amended as set out in Schedule 1.

Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 16

Omit the Schedule. Insert instead:

Schedule 16 Fees and Compensation Fund contributions

(Clause 46)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Fixed component	Processing component	Compensation Fund contribution	Total
Application fee for grant of licence	\$171	\$154	\$54	\$379
Application fee for grant of certificate of registration	\$34	\$61	nil	\$95
Application fee for renewal of licence	\$171	\$51	\$54	\$276
Application fee for renewal of certificate of registration	\$34	\$31	nil	\$65
Application fee for restoration of licence	\$235	\$51	\$54	\$340
Application fee for restoration of certificate of registration	\$54	\$31	nil	\$85

Page 3

Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Fixed component	Processing component	Compensation Fund contribution	Total
Application fee for accreditation as an auctioneer under section 21 of the Act	nil	\$51	nil	\$51
Application fee for a replacement licence	nil	\$33	nil	\$33
Application fee for a replacement certificate of registration	nil	\$33	nil	\$33



New South Wales

Protection of the Environment Operations (Clean Air) Amendment Regulation 2004

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

Explanatory note

The objects of this Regulation are:

- (a) to specify requirements relating to the vapour pressure of petrol supplied by certain petrol suppliers in certain areas in New South Wales (the *low volatility zone*) during summer of each year, and
- (b) to require those petrol suppliers to keep records and make reports to the Environment Protection Authority in relation to petrol supplied in the low volatility zone during summer, and
- (c) to require certain petrol suppliers to keep records and make reports to the Environment Protection Authority for certain periods between 1 July 2004 and 31 December 2005 in relation to the benzene content of petrol, and
- (d) to enable penalty notices to be issued in relation to offences created by the Regulation.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and clauses 6A and 15 of Schedule 2.

This Regulation refers to ASTM D4953–99a *Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)* as in force from time to time and as published by the American Society for Testing and Materials.

Clause 1 Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Protection of the Environment Operations (Clean Air) Amendment Regulation 2004

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Clean Air) Amendment Regulation 2004*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on 1 July 2004.
- (2) Schedule 1 [4] and 2 [2] commence on 15 November 2004.

3 Amendment of Protection of the Environment Operations (Clean Air) Regulation 2002

The *Protection of the Environment Operations (Clean Air) Regulation 2002* is amended as set out in Schedule 1.

4 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

The *Protection of the Environment Operations (Penalty Notices) Regulation 1999* is amended as set out in Schedule 2.

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

Schedule 1

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air) Regulation 2002

(Clause 3)

[1] Clause 7 Definitions

Insert in alphabetical order:

refine, in relation to petrol, includes refine crude petroleum or shale oil.

supply includes:

- (a) sell by wholesale, retail, auction or tender, and
- (b) offer to supply, and
- (c) barter or exchange, and
- (d) supply for profit, and
- (e) consign or deliver for sale, and
- (f) cause or permit anything referred to above.

[2] Part 3, Division 5

Omit the heading. Insert instead:

Division 5 Transfer of petrol

[3] Part 3, Division 6

Insert after Division 5 of Part 3:

Division 6 Reporting and record keeping relating to benzene content of petrol

19A Definition

In this Division, *petrol supplier* means a person who imports petrol by ship into this State for supply by the person (whether the petrol was obtained from another State or Territory or from another country) or refines petrol in this State.

19B Records relating to benzene content of petrol

- (1) For the purposes of this clause, each of the following periods is a *relevant period*:

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

- (a) 1 July 2004 to 31 December 2004 (inclusive),
 - (b) 1 January 2005 to 30 June 2005 (inclusive),
 - (c) 1 July 2005 to 31 December 2005 (inclusive).
- (2) A petrol supplier must, for each relevant period, keep a record of the following information in accordance with this clause:
- (a) for each grade of petrol imported by ship into this State, or refined in this State, by the petrol supplier during the period concerned:
 - (i) the total volume of the petrol, and
 - (ii) the volumetric average benzene content (expressed as a percentage to one decimal place) of that volume, and
 - (iii) the minimum and maximum benzene content measurements obtained from tests carried out for the purposes of subparagraph (ii),
 - (b) the test methods used to determine the benzene content of that petrol.
- Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.
- (3) The petrol supplier must keep a record referred to in subclause (2) for at least 2 years after the end of the relevant period to which the record relates.
- (4) For the purposes of this clause, the grades of petrol include unleaded, premium unleaded, lead replacement petrol and other higher octane petrol (however described).

19C Reporting of benzene content of petrol

- (1) A petrol supplier must, within 6 weeks after the end of each relevant period referred to in clause 19B (1), provide a report to the EPA, in a form approved by the EPA, containing the information required to be kept under that clause for that period.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

Schedule 1

- (2) A person must not provide any information to the EPA in a report under this clause that the person knows is false or misleading in a material particular.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

[4] Part 3, Division 7

Insert after Division 6 of Part 3 (as inserted by item [3]):

Division 7 Petrol volatility

19D Definitions

- (1) In this Division:

base petrol means petrol that does not contain ethanol.

blend, in relation to petrol, means combine petroleum-based products with ethanol.

low volatility zone means the area consisting of the following local government areas:

Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Lithgow, Liverpool, Maitland, Manly, Marrickville, Mosman, Muswellbrook, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Port Stephens, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong.

month, in relation to a summer, includes each of the periods from 15 November to 30 November (inclusive) and 1 March to 15 March (inclusive).

monthly volumetric average vapour pressure of petrol means the monthly volumetric average vapour pressure of the petrol as calculated in accordance with clause 19E.

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

petrol supplier means a person who imports petrol into this State for supply by the person (whether the petrol was obtained from another State or Territory or from another country) or refines or blends petrol in this State.

prescribed blended petrol means petrol containing 9 per cent or more of ethanol by volume but not more than 10 per cent of ethanol by volume.

summer of a particular year means the period commencing on 15 November in that year and ending on 15 March (inclusive) in the following year.

vapour pressure of petrol means the volatility of the petrol at 37.8 degrees Celsius measured:

- (a) in accordance with ASTM D4953–99a *Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)* as in force from time to time and as published by the American Society for Testing and Materials, or
 - (b) in the case of petrol supplied by a particular petrol supplier, using such other method as is approved in relation to that petrol supplier for the time being by the EPA under subclause (2).
- (2) On application made by a petrol supplier, the EPA may, for the purposes of paragraph (b) of the definition of ***vapour pressure*** in subclause (1), approve in writing a method for measuring the volatility of petrol in relation to petrol supplied by that petrol supplier.
 - (3) The EPA may, by notice in writing given to a petrol supplier, revoke or vary an approval given to the petrol supplier under subclause (2).

19E Monthly volumetric average vapour pressure

- (1) For the purposes of this Division, ***monthly volumetric average vapour pressure*** of petrol supplied in a particular month of summer by a petrol supplier is to be calculated as follows:
 - (a) a sample is to be taken from each batch of the petrol supplied in the month by the petrol supplier,
 - (b) the vapour pressure of each sample taken is to be multiplied by a fraction that equals the volume of the

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

Schedule 1

petrol in the batch from which the sample was taken divided by the total volume of the petrol supplied in the relevant month,

- (c) the figures calculated in accordance with paragraph (b) for each sample of petrol are to be added together and the resulting figure is the monthly volumetric average vapour pressure.
- (2) One test method only is to be used in measuring vapour pressure to calculate the monthly volumetric average vapour pressure for a particular month.

19F Vapour pressure of petrol

- (1) A petrol supplier must not supply petrol in the low volatility zone in any summer if the vapour pressure of the petrol is more than:
- (a) in the case of prescribed blended petrol—72 kPa for petrol supplied in a summer commencing in 2004 or 71 kPa for petrol supplied in any subsequent summer, or
 - (b) in the case of any other petrol—65 kPa for petrol supplied in a summer commencing in 2004 or 64 kPa for petrol supplied in any subsequent summer.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) A petrol supplier who imports petrol into this State, or refines petrol in this State, must ensure that the monthly volumetric average vapour pressure of so much of that petrol (other than blended petrol) as is supplied by the petrol supplier in the low volatility zone in a summer is not more than 62 kPa.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (3) It is a defence to any proceedings against a person for an offence under subclause (1) if the defendant establishes that:
- (a) the petrol concerned was prescribed blended petrol, and
 - (b) the defendant had reasonable grounds to believe, and did believe, that the vapour pressure of the base petrol used in the blended petrol complied with subclause (1)(b) based on documentation supplied to the defendant by the supplier of the base petrol, and

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

- (c) the defendant did not know, and had no reasonable grounds to suspect, that the documentation was false or misleading in a material respect.
- (4) It is a defence to any proceedings against a person for an offence under this clause if the defendant establishes that the petrol concerned:
 - (a) was supplied by way of retail sale by the defendant from a petrol service station, and
 - (b) was stored, immediately before the commencement of the summer in which it was supplied, at the petrol service station.
- (5) It is a defence to any proceedings against a person for an offence under this clause if:
 - (a) the defendant establishes that:
 - (i) the petrol concerned was supplied solely for use in a motor vehicle in a motor racing event conducted on a motor vehicle racing ground in respect of which a licence is in force under the *Motor Vehicle Sports (Public Safety) Act 1985* or in a test of a motor vehicle for any such event, or
 - (ii) the petrol concerned was supplied solely for the purpose of testing to determine the composition, quality or characteristics of the petrol, and
 - (b) the defendant establishes that the defendant believed on reasonable grounds that the petrol would be used solely for that purpose.
- (6) A person is not guilty of an offence against subclause (1) or (2) in respect of any act or omission that was authorised or required by an order, proclamation, regulation or direction made or given under Part 6 of the *Energy Administration Act 1987*.
- (7) If such an order, proclamation, regulation or direction is in force for part of a month in summer, it is taken, for the purposes of subclause (6) (in so far as it relates to an offence against subclause (2)), to have been in force for the whole of the month.

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

Schedule 1

19G Record keeping

- (1) A petrol supplier who supplies petrol in the low volatility zone during summer must keep records in relation to that petrol, in accordance with this clause, for a period of at least 2 years.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

- (2) The following records are to be kept in relation to petrol that is prescribed blended petrol:
- (a) if the petrol was blended in a tanker truck:
 - (i) the volume of prescribed blended petrol contained in each tanker truck, and
 - (ii) the ethanol content by volume of the petrol in each tanker truck,
 - (b) if the petrol was blended otherwise than in a tanker truck:
 - (i) the volume of prescribed blended petrol in each batch, and
 - (ii) the ethanol content by volume of each batch.
- (3) The following records are to be kept in relation to blended petrol that is not prescribed blended petrol:
- (a) if the petrol was blended in a tanker truck:
 - (i) the vapour pressure of at least 4 samples of blended petrol taken each month from different tanker trucks on separate days and at regular intervals, and
 - (ii) the date or dates on which the vapour pressure of the samples was tested, and
 - (iii) the test method used to determine the vapour pressure of the blended petrol, and
 - (iv) the volume of blended petrol contained in each tanker truck from which the samples of petrol were taken for testing, and
 - (v) the volume of blended petrol contained in each tanker truck from which a sample was not taken for testing, and

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

- (vi) the ethanol content by volume of each tanker truck of petrol from which the samples were taken for testing,
- (b) if the petrol was blended otherwise than in a tanker truck:
 - (i) the vapour pressure of a sample of blended petrol taken from each batch, and
 - (ii) the date or dates on which the vapour pressure of the samples was tested, and
 - (iii) the test method used to determine the vapour pressure of the blended petrol, and
 - (iv) the volume of blended petrol in each batch, and
 - (v) the ethanol content by volume of each batch.
- (4) The following records are to be kept in relation to petrol that is not blended:
 - (a) the monthly volumetric average vapour pressure of the petrol,
 - (b) the vapour pressure of each sample of petrol from each batch tested to calculate the monthly volumetric average vapour pressure of the petrol,
 - (c) the date or dates on which the vapour pressure of the samples was tested,
 - (d) the test method used to determine the vapour pressure of the petrol,
 - (e) the volume of petrol in each batch.
- (5) A petrol supplier who blends petrol, but does not import petrol into this State or refine petrol in this State, is not required to keep the records referred to in subclause (4).

19H Reporting

- (1) A petrol supplier who supplies petrol in the low volatility zone during any month in summer must, within 14 days after the end of the month, provide a report to the EPA in a form approved by the EPA and containing the following information in relation to that petrol:
 - (a) the monthly volumetric average vapour pressure of any petrol supplied in that month that was not blended petrol,

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Amendment of Protection of the Environment Operations (Clean Air)
Regulation 2002

Schedule 1

-
- (b) the maximum vapour pressure of any blended petrol that was not prescribed blended petrol, that was supplied in that month and from which samples were taken for the purposes of this Division,
 - (c) the maximum vapour pressure of any petrol that was not blended petrol, that was supplied in that month and from which samples were taken for the purposes of this Division,
 - (d) the total volume of prescribed blended petrol supplied in that month,
 - (e) the total volume of other blended petrol supplied in that month,
 - (f) the total volume of petrol supplied in that month that was not blended petrol.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

- (2) A petrol supplier who blends petrol, but does not import petrol into this State or refine petrol in this State, is not required to provide the information referred to in subclause (1) (a) and (f).
- (3) A person must not provide any information to the EPA in a report under this clause that the person knows is false or misleading in a material particular.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

Protection of the Environment Operations (Clean Air) Amendment
Regulation 2004

Schedule 2 Amendment of Protection of the Environment Operations (Penalty Notices)
Regulation 1999

Schedule 2 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

(Clause 4)

[1] Schedule 1 Penalty notice offences

Insert in appropriate order in Columns 1, 2, 3 and 4 under the heading
“**Protection of the Environment Operations (Clean Air) Regulation
2002**”:

Clause 19B (2)	2	\$300	\$600
Clause 19C (1)	2	\$300	\$600

[2] Schedule 1

Insert in appropriate order in Columns 1, 2, 3 and 4 under the heading
“**Protection of the Environment Operations (Clean Air) Regulation
2002**”:

Clause 19F (1)	2	\$750	\$1500
Clause 19F (2)	2	\$750	\$1500
Clause 19G (1)	2	\$300	\$600
Clause 19H (1)	2	\$300	\$600



Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

Explanatory note

The object of this Regulation is to increase the pollutant weightings for air pollutants that are applied in determining the load-based fee payable in respect of environment protection licences issued under the *Protection of the Environment Operations Act 1997*. (The load-based fee is a component of the annual fee payable in respect of such licences.)

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 57 and 323 (the general regulation-making power).

Clause 1 Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004*.

2 Commencement

This Regulation commences on 30 June 2004.

3 Amendment of Protection of the Environment Operations (General) Regulation 1998

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 1.

Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 20 Pollutant weightings

Omit the matter under the heading “**Air pollutants**” (above the heading “**Water pollutants**”) in the Table to clause 20 (1).

Insert instead:

Pollutant	Definition	Pollutant weighting
Arsenic	Total arsenic calculated using the method prescribed in the Approved Methods Publication	52,000
Benzene	Benzene	740
Benzo[a]pyrene (equivalent)	Benzo[a]pyrene plus 0.1 times the mass of benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene and ideno[1,2,3-c,d]pyrene plus 0.4 times the mass of dibenz[a,h]anthracene	29,000
Coarse particulates	All solid particulates entrained in air but not including fine particulates as defined in this Table	18
Fine particulates	The fraction of all solid particulates entrained in air with an aerodynamic diameter smaller than 10 micrometres	125

Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

Schedule 1 Amendments

Pollutant	Definition	Pollutant weighting
Fluoride	Fluorine, hydrogen fluoride and all other inorganic fluoride compounds expressed as hydrogen fluoride equivalent	84
Hydrogen sulfide	Hydrogen sulfide	320
Lead	Total lead calculated using the method prescribed in the Approved Methods Publication	11,000
Mercury	Total mercury calculated using the method prescribed in the Approved Methods Publication	110,000
Nitrogen oxides	The sum of nitrogen oxide and nitrogen dioxide expressed as nitrogen dioxide equivalent	9
Sulfur oxides	Sulfur dioxide and (where specified in the load calculation protocol for the activity or in the licence for the premises) sulfur trioxide and sulfuric acid mist	2.2
VOCs	Volatile compounds of hydrogen and carbon that may or may not contain other elements but not including methane or benzene	6.6

Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004

Amendments

Schedule 1

[2] Clause 20 (3)

Insert after clause 20 (2):

- (3) The amendment to the Table to subclause (1) made by the *Protection of the Environment Operations (General) Amendment (Pollutant Weightings) Regulation 2004* applies in relation to licence fee periods ending on or after 30 June 2004.



Racing Appeals Tribunal Regulation 2004

under the

Racing Appeals Tribunal Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Racing Appeals Tribunal Act 1983*.

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

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the *Racing Appeals Tribunal Regulation 1999*.

This Regulation contains provisions which:

- (a) allow appeals from a decision of the Appeals Panel, a racing association or Racing NSW in relation to certain matters, and
- (b) establish procedures for lodging an appeal to the Racing Appeals Tribunal, and
- (c) permit the Tribunal to dispense with certain procedural matters where the Tribunal is of the opinion that the appeal should be heard as a matter of urgency, and
- (d) impose a fee for lodgment of a notice of appeal in certain circumstances, and
- (e) allow the Tribunal to make orders with respect to costs.

This Regulation is made under the *Racing Appeals Tribunal Act 1983*, including sections 18 and 23 (the general regulation-making power) and clause 1 of Schedule 1 (savings and transitional regulations).

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Racing Appeals Tribunal Regulation 2004

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Racing Appeals Tribunal Regulation 2004

Clause 1

Preliminary

Part 1

Racing Appeals Tribunal Regulation 2004

under the

Racing Appeals Tribunal Act 1983

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Racing Appeals Tribunal Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Definitions

In this Regulation:

Secretary means:

- (a) the Chief Executive of Racing NSW, or
- (b) an officer of Racing NSW, or an officer of a Department administered by the Minister, designated by the Minister as Secretary of the Tribunal.

the Act means the *Racing Appeals Tribunal Act 1983*.

the Rules means the Rules of Racing under the *Thoroughbred Racing Act 1996*.

Clause 4 Racing Appeals Tribunal Regulation 2004

Part 2 Appeals to Tribunal

Part 2 Appeals to Tribunal

4 Appeals to Tribunal

Appeals to the Tribunal under the Act are to be made in accordance with this Part.

5 Decisions from which an appeal lies to Tribunal

- (1) In the case of an appeal made under section 15 (1) (a), (b) or (c) of the Act, an appeal may be made to the Tribunal only in respect of a decision:
 - (a) to disqualify or warn off a person, or
 - (b) to suspend for a period of 3 months or more any licence, right or privilege granted under the Rules, or
 - (c) to revoke the licence of any person under the Rules, or
 - (d) to impose on any person a fine of \$2,000 or more, or
 - (e) to disqualify a horse, if the disqualification is made in conjunction with the imposition of a penalty on the appellant or any other person.
- (2) In the case of an appeal made under section 15 (1) (d) of the Act, an appeal may be made to the Tribunal only in respect of a decision:
 - (a) to disqualify or warn off a person, or
 - (b) to suspend any licence, right or privilege granted under the Rules, or
 - (c) to revoke the licence of any person under the Rules, or
 - (d) to impose on any person a fine of \$100 or more, or
 - (e) to disqualify a horse, if the disqualification is made in conjunction with the imposition of a penalty on the appellant or any other person.
- (3) A reference in subclause (1) or (2) to a person does not include a reference to a racing club.
- (4) Expressions used in this clause have the meanings given to them in the Rules.

Racing Appeals Tribunal Regulation 2004

Clause 6

Appeals to Tribunal

Part 2

6 Procedure for appeals (other than appeals by Racing NSW)

- (1) An appeal under section 15 (1) of the Act is to be initiated by the lodging of a notice of appeal in writing with the Secretary:
 - (a) in the case of an appeal made under section 15 (1) (a), (b) or (d) of the Act—within 7 days of the date on which the appellant is notified of the decision appealed against, or
 - (b) in the case of an appeal made under section 15 (1) (c) of the Act—at any time after the expiration of 28 days after the appeal to the Appeal Panel or racing association is lodged.
- (2) The Secretary is, on receiving a notice of appeal under section 15 (1) of the Act:
 - (a) to forward notice of the appeal to the Tribunal, and
 - (b) to serve on the appellant a transcript of the evidence taken at the hearing in respect of the decision appealed against.
- (3) Within 7 days of receiving the transcript of evidence, the appellant is to lodge with the Secretary a written notice of the grounds of appeal. The appeal is to be limited to those grounds, except by leave of the Tribunal.
- (4) On receiving notice of the grounds of appeal, the Secretary is to forward a copy of the notice to the Tribunal along with a transcript of the evidence taken at the hearing in respect of the decision appealed against.
- (5) The date, time and place for the hearing of an appeal is to be fixed by the Tribunal. The Secretary is to give at least 7 days' written notice of the date, time and place to the appellant and to such other persons as the Tribunal thinks fit.
- (6) The Tribunal is to commence the hearing of an appeal as soon as practicable within 28 days of the lodging of the notice of the grounds of appeal.
- (7) The Tribunal may, in a particular case, extend any period of time specified in this clause if in its opinion the circumstances of the case so require.

Clause 7 Racing Appeals Tribunal Regulation 2004

Part 2 Appeals to Tribunal

7 Procedure for appeals by Racing NSW

- (1) An appeal under section 15 (2) of the Act is to be initiated by the lodging of a notice of appeal in writing with the Tribunal:
 - (a) in the case of an appeal made under section 15 (2) (a) or (b) of the Act—within 2 months of the date on which the decision to be appealed against is made, or
 - (b) in the case of an appeal made under section 15 (2) (c) of the Act—at any time after the expiration of 2 months after the appeal to the Appeal Panel or racing association is lodged.
- (2) A notice of appeal under subclause (1) is to include the grounds of appeal and a transcript of the evidence taken at the hearing in respect of the decision appealed against.
- (3) The Secretary, on lodging a notice of appeal with the Tribunal, is to serve on the respondent:
 - (a) notice of the appeal, and
 - (b) notice of the grounds of appeal, and
 - (c) a transcript of the evidence taken at the hearing in respect of the decision appealed against.
- (4) The date, time and place for the hearing of an appeal is to be fixed by the Tribunal. The Secretary is to give at least 7 days' written notice of the date, time and place to the appellant and to such other persons as the Tribunal thinks fit.
- (5) The Tribunal is to commence the hearing of an appeal as soon as practicable within 28 days of the lodging of the notice of appeal.
- (6) The Tribunal may, in a particular case, extend any period of time specified in this clause if in its opinion the circumstances of the case so require.

8 Expedited hearing

- (1) If the Tribunal is of the opinion that an appeal should be heard and determined as a matter of urgency, the Tribunal may, by order made with the concurrence of the appellant:
 - (a) dispense with the requirement for a transcript of the evidence taken at the hearing in respect of the decision appealed against to be served on the appellant and forwarded to the Tribunal, and
 - (b) shorten the period of notice fixed under clause 6 (5) or 7 (4).

Racing Appeals Tribunal Regulation 2004

Clause 9

Appeals to Tribunal

Part 2

-
- (2) If such an order is made:
- (a) the Tribunal may rely on such evidence as is available to it concerning the hearing in respect of the decision appealed against, and
 - (b) the appellant must lodge a notice of the grounds of appeal in such manner and within such time as the Tribunal directs. The appeal is to be limited to the grounds specified in that notice, except by leave of the Tribunal.

9 Fees

- (1) A notice of appeal, other than an appeal by Racing NSW, must be accompanied by a fee of \$250 when it is lodged.
- (2) The fee may be paid at a later time with the consent of the Tribunal.
- (3) On the determination or withdrawal of the appeal, the Tribunal may, if it thinks fit, direct that the fee (or part of the fee) is to be repaid to the appellant.

10 Suspension or variation of decision pending determination of appeal

- (1) The Tribunal may, on written application by an appellant lodged with the Secretary, order that the decision appealed against:
 - (a) is not to be carried into effect, or
 - (b) is to be carried into effect only to the extent specified in the order,pending the determination of the appeal. Any such order has effect for the period it is in force.
- (2) The Tribunal may, in making any such order, impose conditions. The order is taken not to be in force for any period during which any such condition is not complied with.
- (3) An order remains in force until it is revoked by further order by the Tribunal or the appeal to which it relates is dismissed, determined or withdrawn (whichever happens first).

11 Withdrawal of appeal

An appeal duly lodged may not be withdrawn except with the leave of the Tribunal. In granting such leave, the Tribunal may impose such conditions as to the payment of costs or otherwise as it thinks fit.

Clause 12 Racing Appeals Tribunal Regulation 2004

Part 2 Appeals to Tribunal

12 Evidence on appeal

The Tribunal, when hearing an appeal, is not bound by the rules of, or practice as to, evidence but may inform itself of any matter in such manner as it thinks fit.

13 Hearings in absence of a party and representation at hearings

- (1) The Tribunal may hear an appeal in the absence of a party to the appeal.
- (2) The Tribunal may grant leave for each party to be represented by a lawyer or agent at the hearing.

14 Costs

- (1) On determining an appeal, the Tribunal may make such orders as it thinks fit as to the payment of costs (including the payment of costs in respect of the hearing by the Appeal Panel, Racing NSW or racing association of the decision appealed against).
- (2) On service on a party to an appeal of an order for the payment of costs, the amount of costs specified in the order:
 - (a) is payable by the party to the person specified in the order as the person to whom the costs are to be paid, and
 - (b) may be recovered as a debt in a court of competent jurisdiction.

15 Conduct of appeal

The Tribunal may, subject to the Act and this Part, direct the manner in which any appeal before it is to be conducted.

Racing Appeals Tribunal Regulation 2004

Clause 16

Miscellaneous

Part 3

Part 3 Miscellaneous

16 Attendance of interested parties

In the case of an appeal under clause 5 (1) (e) or (2) (e), a person who may be affected (whether or not adversely) by the decision of the Tribunal on the appeal may, with the leave of the Tribunal:

- (a) appear and make submissions before the Tribunal in relation to the appeal, and
- (b) present such evidence as the Tribunal may, in accordance with the Act and clause 12, consider.

17 False statements and contempt

A person appearing before the Tribunal in connection with an appeal must not:

- (a) knowingly make a statement that is false or misleading in a material respect, or
- (b) say or do anything that is likely to bring the Tribunal into contempt.

Maximum penalty: 5 penalty units.

18 Repeal and savings

- (1) The *Racing Appeals Tribunal Regulation 1999* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Racing Appeals Tribunal Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.



Radiation Control Amendment Regulation 2004

under the

Radiation Control Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Radiation Control Act 1990*.

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

Explanatory note

The object of this Regulation is to amend the *Radiation Control Regulation 2003* as follows:

- (a) to specify certain radioactive substances that may be kept and used at premises without the necessity for the occupier of the premises to register the premises concerned under the *Radiation Control Act 1990*,
- (b) to remove a requirement for certain records to be kept in relation to personal monitoring devices,
- (c) to extend an existing exemption from licensing requirements for persons who use radioactive substances in gas chromatography detectors to persons who possess or sell those substances,
- (d) to make other amendments of a consequential or machinery nature.

This Regulation is made under the *Radiation Control Act 1990*, including sections 9, 25A, 39 and 40 (the general regulation-making power).

Clause 1 Radiation Control Amendment Regulation 2004

Radiation Control Amendment Regulation 2004

under the

Radiation Control Act 1990

1 Name of Regulation

This Regulation is the *Radiation Control Amendment Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Radiation Control Regulation 2003

The *Radiation Control Regulation 2003* is amended as set out in Schedule 1.

Radiation Control Amendment Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 11A

Insert after clause 11:

11A Exemption from requirement for premises to be registered under section 8

An occupier of premises is exempt from the requirement for the premises to be registered under section 8 of the Act in relation to the keeping or use at the premises of any of the kinds of radioactive substances specified in Schedule 3B.

[2] Clause 12 Consulting radiation experts

Omit clause 12 (1) (c) and (d). Insert instead:

- (c) measuring and assessing radiation doses from ionising radiation apparatus used for medical therapy,
- (d) measuring and assessing radiation doses from ionising radiation apparatus used for diagnostic purposes,

[3] Clause 19 Area monitoring devices

Insert after clause 19 (4):

- (5) An employer must ensure that, for each monitoring device with which premises are equipped for the purposes of this clause, a record is kept of the following particulars:
 - (a) the date on which the device was acquired,
 - (b) the date of each occasion on which the device was repaired and the details of the repairs,
 - (c) the date on which the device was last calibrated.

Maximum penalty: 25 penalty units.

[4] Clause 21 Records to be kept of monitoring devices

Omit the clause.

Radiation Control Amendment Regulation 2004

Schedule 1 Amendments

[5] Part 3, Division 4, heading

Insert “, **discharge**” after “**Disposal**”.

[6] Clause 26 Certain occurrences are taken to be radiation accidents

Omit “such as” from clause 26 (1). Insert instead “including”.

[7] Schedule 3 Exemptions from licensing

Omit item 1 of Part 1.

[8] Schedule 3, Part 1, item 3

Omit the item. Insert instead:

- 3 Americium 241 in industrial smoke detectors that do not contain any other radioactive substance

[9] Schedule 3, Part 2, items 1 and 2

Omit the items. Insert instead:

- 1 Radioactive substances in luminous dials on any devices, including on clocks and watches
- 2 Gaseous tritium in luminous devices, including in self luminous “EXIT” signs

[10] Schedule 3, Part 2, item 5

Omit “and”. Insert instead “or”.

[11] Schedule 3, Part 2, item 6

Insert “is used” after “substances or”.

Radiation Control Amendment Regulation 2004

Amendments

Schedule 1

[12] Schedule 3, Part 2, item 7

Insert after item 6:

- 7 Radioactive substances in gas chromatography detectors

[13] Schedule 3B

Insert before Schedule 4:

Schedule 3B Exemptions from application of section 8 of the Act

(Clause 11A)

- 1 Americium 241 in industrial smoke detectors that do not contain any other radioactive substance
- 2 Radioactive substances in luminous dials on any devices, including on clocks and watches
- 3 Gaseous tritium in luminous devices, including in self luminous "EXIT" signs
- 4 Radioactive substances used in nuclear medicine for checking gamma cameras and dose calibrators and having a level of activity of less than 40 megabecquerels
- 5 Radioactive substances used as laboratory reference sources and having a level of activity of less than 40 megabecquerels
- 6 Radioactive substances for demonstration, teaching or training having a level of activity of less than 40 megabecquerels
- 7 Uranium metal of natural isotopic composition, or depleted in uranium 235, which is used as radiation shielding in transport packages for radioactive substances or is used in any other manner

Radiation Control Amendment Regulation 2004

Schedule 1 Amendments

[14] Schedule 4 Penalty notice offences

Insert after the matter relating to clause 19 (4):

Clause 19 (5)	\$250
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[15] Schedule 4

Omit the matter relating to clause 21 from Columns 1 and 2.



Real Property Amendment (Fees) Regulation 2004

under the

Real Property Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Real Property Act 1900*.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Real Property Act 1900* (*the Act*). The increases include charging a fee:

- (a) for examining an application by a person in possession of land to be recorded as proprietor of an estate or interest in that land based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour, and
- (b) for examining an application for the extinguishment of a restrictive covenant or an application for the cancellation of an easement that has been abandoned based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour, and
- (c) for searching or continuing an official search of the Register based on a quarter-hour or part of a quarter-hour occupied in the search after the first hour instead of on a half-hour or part of a half-hour after that first-hour period, and
- (d) for an initial search of the Register based on a quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour instead of on a half-hour or part of a half-hour after that first half-hour period.

This Regulation also:

- (a) introduces the following new fees:
 - (i) for each quarter-hour or part of a quarter-hour after the first 3 hours occupied in examining an application to bring land under the Act,

Real Property Amendment (Fees) Regulation 2004

Explanatory note

-
- (ii) for each quarter-hour or part of a quarter-hour after the first quarter-hour occupied in the preparation of a certificate of ownership under section 700 (2) of the *Local Government Act 1993* or section 151 (2) of the *Environmental Planning and Assessment Act 1979*,
 - (iii) for the lodgment of an application, request or dealing that results in more than one recording on a folio of the Register kept under the Act, and
- (b) itemises fees for the supply of copies of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies, and
 - (c) removes the fee for supplying details of lots on registration of a deposited plan or strata plan (these details will be supplied at no charge)

This Regulation is made under the *Real Property Act 1900*, including section 144 (the general regulation-making power) and, in particular, section 144 (1) (a).

Real Property Amendment (Fees) Regulation 2004

Clause 1

Real Property Amendment (Fees) Regulation 2004

under the

Real Property Act 1900

1 Name of Regulation

This Regulation is the *Real Property Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Real Property Regulation 2003

The *Real Property Regulation 2003* is amended as set out in Schedule 1.

Real Property Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 4 (2), 11 (4), 12 (c) and 13)

\$

Copies

1	On lodgment of an application for a certified copy of a registered instrument or part of it affecting land under the provisions of the Act—for each copy	75.00
2	For supplying a copy of a document or part of a document in the custody of the Registrar-General:	
(a)	to any person attending an office of the Department of Lands	10.00
(b)	by electronic means to any agent licensed by the Department of Lands	4.50
(c)	to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service

Real Property Amendment (Fees) Regulation 2004

Amendment

Schedule 1

\$

- | | | |
|---|--|--|
| 3 | On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands | Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy |
|---|--|--|

Advertisements

- | | | |
|---|--|--|
| 4 | On advertisement, pursuant to section 12 (1) (h1) of the Act, of the intended exercise or performance of any power, authority, duty or function conferred or imposed on the Registrar-General by the Act | Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in publishing the advertisement |
|---|--|--|

Production of documents

- | | | |
|---|--|-------|
| 5 | For each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged | 35.00 |
|---|--|-------|

Applications, requests and dealings

- | | | |
|---|---|--------|
| 6 | On lodgment of an application to bring land under the Act | 600.00 |
| | In addition, for each quarter-hour or part of a quarter-hour in excess of the first three hours occupied in examining the application | 50.00 |
| 7 | On lodgment of an application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land | 75.00 |
| | In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application | 50.00 |

Real Property Amendment (Fees) Regulation 2004

Schedule 1 Amendment

	\$
8 On lodgment of an application, request or dealing for which no fee is otherwise provided	75.00
9 On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	75.00
10 On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	75.00
In addition:	
(a) for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
(b) for the Registrar-General's costs of serving notice under section 81D of the Act by way of registered post	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in posting the notice
11 On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned	75.00
In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
12 On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	75.00
13 On lodgment of a building management statement (within the meaning of the <i>Conveyancing Act 1919</i>)	150.00
14 For every plan, sketch or diagram accompanying a dealing, application, request or instrument	75.00

Real Property Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$
15 On lodgment of an application, request or dealing that will result in more than one recording on a folio of the Register, for each additional recording	75.00
Caveats	
16 On lodgment or recording of a caveat	75.00
17 On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	75.00
18 On lodgment of a request for withdrawal or partial withdrawal of a Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)	75.00
19 On lodgment of a request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act	75.00
20 On lodgment of an application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2), 74J (1) or 74JA (2) of the Act	75.00
21 On lodgment of a notice of a change of name of a caveator or of the address for service of a notice on a caveator	75.00
Authentication of forms	
22 For examination and authentication of any dealing, application, request or caveat that is required by any Act to be in an approved form which contains departures from the approved form and which is not a form licensed by the Registrar-General, an additional	75.00

Real Property Amendment (Fees) Regulation 2004

Schedule 1 Amendment

\$

Official searches

23	On requisition for an official search of a folio of the Register (whether or not requiring the continuation of a search from the date of a previous search of that folio or the date of a prior certificate of result of a search)	200.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour	50.00

Computer folios

24	On the lodgment of a requisition for a computer folio certificate or search of a historical record in the custody of the Registrar-General:	
	(a) in person at an office of the Department of Lands	10.00
	(b) to be delivered electronically to any agent licensed by the Department of Lands	4.50
	(c) to be delivered to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service

Public searches

25	On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means:	
	(a) for an initial search of a folio of the Register, including investigation as to title reference, a copy of the relevant folio and the transmission fee	55.00

Real Property Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$
In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	55.00
In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	10.00
(b) for providing copies of a folio or dealing if no investigation as to title reference is required, including a copy of the folio or dealing and the transmission fee	22.00
In addition, for inclusion of each additional document required	10.00
(c) for a historical search of a folio of the Register, including a copy of the search and the transmission fee	22.00
(d) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee	22.00
In addition, for inclusion of each additional document required	10.00

Searches generally

- | | | |
|----|---|--|
| 26 | In the case of a requisition for an official search of a manual folio, a computer folio certificate or a search of a historical record that, in the opinion of the Registrar-General, is a search for which the above schedule of fees is not appropriate | Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in carrying out the search |
|----|---|--|

Real Property Amendment (Fees) Regulation 2004		
Schedule 1	Amendment	
\$		
Certificates of title		
27	For the issue of a certificate of title on any request or application	150.00
Miscellaneous		
28	On depositing an instrument declaratory of trusts or other instrument not specified	75.00
29	On lodgment of an application for a statement of reasons under section 121 of the Act	75.00
30	On lodgment of a request for the issue of a summons under section 12 of the Act	75.00
31	On lodgment of a request for the issue of a notice under section 136 of the Act	75.00
32	For recording of any memorial or notification not otherwise provided for	75.00
33	On lodgment of a request for delivery of a document or documents pursuant to section 23A (3) (c) of the Act (no fee is payable if the request is made during the currency of the primary application)	15.00
34	For furnishing a certificate of ownership (<i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2)) and incorporating in it any information as to subsisting encumbrances or interests	50.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	50.00
	In addition, for supplying each additional document forming part of the Register	10.00

Real Property Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
35	For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or as to whether a proposed dealing or plan is entitled to registration, or in response to a written inquiry that necessitates any searching or investigation	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating
36	For production of documents at the Office of State Revenue	20.00
37	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	75.00 for each group of 20 folio references or part of that number



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2004

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to vary the annual registration charges payable under Part 2 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*. The new charges are the same as those calculated in accordance with the procedures approved, and subject to the parameters set, by the Australian Transport Council under the *Heavy Vehicles Agreement* referred to in the *National Road Transport Commission Act 1991* of the Commonwealth.

This Regulation is made under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, including sections 9 and 38 (the general regulation-making power).

Clause 1 Road Transport (Heavy Vehicles Registration Charges) Amendment
Regulation 2004

Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2004

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

1 Name of Regulation

This Regulation is the *Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

The *Road Transport (Heavy Vehicles Registration Charges) Regulation 2001* is amended as set out in Schedule 1.

Road Transport (Heavy Vehicles Registration Charges) Amendment
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Annual registration charges

(Clause 11)

1 Load carrying vehicles

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$331	\$661	\$992	\$992
2	Truck (type 2)	\$551	\$881	\$2,203	\$2,203
3	Short combination truck	\$606	\$2,203	\$2,203	\$2,203
4	Medium combination truck	\$4,186	\$4,186	\$4,516	\$4,516
5	Long combination truck	\$5,782	\$5,782	\$5,782	\$5,782
6	Short combination prime mover	\$1,432	\$3,744	\$4,845	\$4,845
7	Medium combination prime mover	\$4,405	\$5,506	\$6,057	\$6,057
8	Long combination prime mover	\$5,506	\$5,506	\$6,057	\$6,057

2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$331 multiplied by the number of axles of the trailer or dolly.

Page 3

Road Transport (Heavy Vehicles Registration Charges) Amendment
Regulation 2004

Schedule 1 Amendment

3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$331	Not applicable	Not applicable
2	Bus (type 2)	\$551	\$1,376	\$1,376
3	Articulated bus	Not applicable	\$551	\$551

4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$221
3	Special purpose vehicle (type o)	\$275, plus \$275 times the number of axles in excess of 2

5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.



New South Wales

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

under the

State Owned Corporations Act 1989

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

BOB CARR, M.P.,
Premier

Explanatory note

The object of this Regulation is to amend the *State Owned Corporations Regulation 2003* to make provision with respect to the employment of officers of Sydney Ferries, including:

- (a) enabling promotion appeals and disciplinary appeals to be made by officers of Sydney Ferries to Transport Appeal Boards, and
- (b) providing for disciplinary matters concerning officers of Sydney Ferries.

This Regulation is made under the *State Owned Corporations Act 1989*, including sections 20M and 38 (the general regulation-making power).

Clause 1 State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

under the

State Owned Corporations Act 1989

1 Name of Regulation

This Regulation is the *State Owned Corporations Amendment (Sydney Ferries) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of State Owned Corporations Regulation 2003

The *State Owned Corporations Regulation 2003* is amended as set out in Schedule 1.

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Sydney Ferries officer includes an employee of Sydney Ferries, but does not include a casual or temporary employee.

transport corporation means RailCorp or Sydney Ferries.

transport corporation officer means:

- (a) in the case of RailCorp—a RailCorp officer, or
- (b) in the case of Sydney Ferries—a Sydney Ferries officer.

[2] Clause 4 Punishments in disciplinary proceedings

Omit “RailCorp” where firstly occurring in clause 4 (1).

Insert instead “A transport corporation”.

[3] Clause 4

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[4] Clause 4 (2)

Omit “RailCorp” where secondly occurring.

Insert instead “the transport corporation”.

[5] Clause 4 (3)

Omit “RailCorp” where firstly occurring.

Insert instead “a transport corporation”.

[6] Clause 4 (3)

Omit “RailCorp” where thirdly occurring.

Insert instead “the transport corporation”.

[7] Clause 4 (4)

Omit “RailCorp”. Insert instead “a transport corporation”.

Page 3

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

Schedule 1 Amendments

[8] Clause 5 Suspension of officer pending disciplinary proceedings

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[9] Clause 5 (1) (a)

Omit “RailCorp”. Insert instead “the transport corporation”.

[10] Clause 5 (2)

Omit “RailCorp”. Insert instead “The transport corporation”.

[11] Clause 5 (3)

Omit “RailCorp” where firstly occurring.

Insert instead “A transport corporation”.

[12] Clause 6 Transport corporation officers convicted of serious offences

Omit “RailCorp may take disciplinary proceedings against a RailCorp officer” from clause 6 (1).

Insert instead “A transport corporation may take disciplinary proceedings against a transport corporation officer”.

[13] Clause 7 Procedure in disciplinary hearings

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[14] Clause 7 (1)

Omit “RailCorp” where secondly occurring.

Insert instead “the transport corporation”.

[15] Clause 8A

Insert after section 8:

8A Promotion appeals and reviews

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

Amendments

Schedule 1

-
- (a) the appointment is to a Sydney Ferries officer's position with a maximum salary that is below the minimum salary for the position of senior officer, band A, and
 - (b) the vacancy in the position was advertised or, if not advertised, the appointment was made by promotion.
 - (2) A Sydney Ferries officer may apply for a review by Sydney Ferries of the appointment of a Sydney Ferries officer to a position that is subject to appeal.
 - (3) An application for such a review may be made only:
 - (a) in the case of a vacancy that is advertised—by a Sydney Ferries officer who was an unsuccessful applicant for the vacant position, or
 - (b) in the case of a vacancy that is not advertised—by a Sydney Ferries officer who was seeking promotion to the vacant position but who was not selected.
 - (4) An application for such a review must be made within 5 days of Sydney Ferries notifying its decision on the vacancy to the unsuccessful applicant or in a notice circulated among officers seeking promotion, as the case requires.
 - (5) A Sydney Ferries officer entitled to apply for such a review may appeal to a Transport Appeal Board against the appointment concerned, but only if:
 - (a) the officer applied for the review and the application was not successful, or
 - (b) the officer applied for the review and the review was not completed within 15 days after the application was made.
 - (6) Despite subclause (1), the decision to appoint to any position a person who is not a Sydney Ferries officer is not subject to review under this clause or to appeal to a Transport Appeal Board.
 - (7) The only ground on which a Sydney Ferries officer may, under this clause, seek a review or appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the Sydney Ferries officer selected.

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

Schedule 1 Amendments

[16] Clause 9 Disciplinary appeals

Omit “RailCorp officer” from clause 9 (1).

Insert instead “transport corporation officer”.

[17] Clause 9 (1) (a)

Omit “RailCorp”. Insert instead “the transport corporation”.

[18] Clause 10 No other appeals to Transport Appeal Boards

Omit “RailCorp” where firstly and thirdly occurring.

Insert instead “a transport corporation”.

[19] Clause 10

Omit “RailCorp officer”. Insert instead “transport corporation officer”.



Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2004

under the

Strata Schemes (Freehold Development) Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Freehold Development) Act 1973*.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Strata Schemes (Freehold Development) Act 1973*. The increases include charging a fee for examining:

- (a) a plan lodged for registration or examining a plan before lodgment based on a quarter-hour or part of a quarter-hour occupied in the examination of the plan after the first 4 hours instead of on an hour or part of an hour after that 4-hour period, and
- (b) an application for an order to terminate a strata scheme based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour.

This Regulation also introduces a new fee for each easement, restriction on the use of land, positive covenant or profit à prendre created, or each easement released, in a section 88B instrument accompanying a plan.

This Regulation is made under the *Strata Schemes (Freehold Development) Act 1973*, including section 158 (the general regulation-making power) and, in particular, section 158 (1) (d).

Clause 1 Strata Schemes (Freehold Development) Amendment (Fees) Regulation
2004

Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2004

under the

Strata Schemes (Freehold Development) Act 1973

1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Strata Schemes (Freehold Development) Regulation 2002

The *Strata Schemes (Freehold Development) Regulation 2002* is amended as set out in Schedule 1.

Strata Schemes (Freehold Development) Amendment (Fees) Regulation
2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

[1] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Fees

(Clause 35)

	\$
1 On lodgment of a plan for registration	800.00
And, in addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	50.00
In addition, for the preparation and supply of a certificate of title for common property in a strata scheme	80.00
In addition, for each lot shown on the plan	80.00
And, if the plan is accompanied by a copy of the proposed by-laws for the strata scheme, an additional	150.00
And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	75.00
And, if the plan is accompanied by a section 88B instrument, for each easement to be released, irrespective of the number of lots burdened or benefited, an additional	75.00
And, if the plan is a strata plan of consolidation—for each folio of the Register to be consolidated, an additional	15.00
2 On lodgment of a substituted plan or any sheet of such a plan	75.00

Strata Schemes (Freehold Development) Amendment (Fees) Regulation
2004

Schedule 1 Amendment

	\$
3 On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment fee
4 On lodgment of an application to amend a plan	75.00
In addition, if the application involves the amendment of a certificate of title or folio of the Register:	
(a) for the first certificate or folio	75.00
(b) for each certificate or folio after the first	10.00
5 For examining a plan before lodgment	880.00
In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	55.00
6 On lodgment of a notification of change of by-laws	75.00
7 On lodgment of a notice of conversion	75.00
8 On lodgment of a notification of change of address for service of notices on an owners corporation	75.00
9 On lodgment of an order varying a strata scheme	75.00
10 On lodgment of an application for an order terminating a strata scheme	75.00
In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
11 On lodgment of an order terminating a strata scheme	75.00
12 On lodgment of a certificate that the initial period has expired, given by an owners corporation pursuant to section 9 (3) (d) (i), 13 (2) (b) (i) or 28 (4) (b) of the Act	75.00

Strata Schemes (Freehold Development) Amendment (Fees) Regulation
2004

Amendment

Schedule 1

	\$
13 On lodgment of a strata management statement	150.00
14 On lodgment for registration of a strata development contract	150.00
15 On lodgment for registration of an amendment to a strata development contract	75.00
16 For supplying a copy of a strata development contract or part of a strata development contract to any person attending an office of the Department of Lands	10.00
17 For supplying a copy of a strata development contract or part of a strata development contract in response to a requisition requiring dispatch of information by post, facsimile or other means approved by the Registrar-General	22.00
18 For supplying a copy of any by-laws lodged with a strata plan to any person attending an office of the Department of Lands	10.00
19 On lodgment of any document not otherwise referred to in this Schedule	75.00



Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2004

under the

Strata Schemes (Leasehold Development) Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Leasehold Development) Act 1986*.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Strata Schemes (Leasehold Development) Act 1986*. The increases include charging a fee for examining:

- (a) a plan lodged for registration or examining a plan before lodgment based on a quarter-hour or part of a quarter-hour occupied in the examination of the plan after the first 4 hours instead of on an hour or part of an hour after that 4-hour period, and
- (b) an application for an order to terminate a leasehold strata scheme based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour.

This Regulation also introduces a new fee for each easement, restriction on the use of land, positive covenant or profit à prendre created, or each easement released, in a section 88B instrument accompanying a plan.

This Regulation is made under the *Strata Schemes (Leasehold Development) Act 1986*, including section 196 (the general regulation-making power) and, in particular, section 196 (1) (d).

Clause 1 Strata Schemes (Leasehold Development) Amendment (Fees) Regulation
2004

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2004

under the

Strata Schemes (Leasehold Development) Act 1986

1 Name of Regulation

This Regulation is the *Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Strata Schemes (Leasehold Development) Regulation 2002

The *Strata Schemes (Leasehold Development) Regulation 2002* is amended as set out in Schedule 1.

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation
2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Fees

(Clause 37)

	\$
1 On lodgment of a plan for registration	800.00
In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	50.00
In addition, for the preparation and supply of a certificate of title for lease of common property in a leasehold strata scheme	80.00
In addition, for each lot shown on the plan	80.00
And, if the plan is accompanied by a copy of the proposed by-laws for the leasehold strata scheme, an additional	150.00
And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	75.00
And, if the plan is accompanied by a section 88B instrument, for each easement to be released, irrespective of the number of lots burdened or benefited, an additional	75.00
And, if the plan is lodged for registration as a strata plan of consolidation—for each folio of the Register to be consolidated, an additional	15.00
2 On lodgment of a substituted plan or any sheet of such a plan	75.00

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation
2004

Schedule 1 Amendment

		\$
3	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment fee
4	On lodgment of an application to amend a plan	75.00
	In addition, if the application involves the amendment of a certificate of title or folio of the Register:	
(a)	for the first certificate or folio	75.00
(b)	for each certificate or folio after the first	10.00
5	For examining a plan before lodgment	880.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	55.00
6	On lodgment of a notification of change of by-laws	75.00
7	On lodgment of a notice of conversion	75.00
8	On lodgment of a notification of change of address for service of notices on an owners corporation	75.00
9	On lodgment of an order varying a leasehold strata scheme	75.00
10	On lodgment of an application for an order terminating a leasehold strata scheme	75.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
11	On lodgment of an order terminating a leasehold strata scheme	75.00

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation
2004

Amendment

Schedule 1

	\$
12 On lodgment of a certificate that the initial period has expired, given by an owners corporation pursuant to section 11 (2) (d) (i), 16 (2) (b) (i) or 32 (4) (b) of the Act	75.00
13 On lodgment of a strata management statement	150.00
14 On lodgment for registration of a strata development contract	150.00
15 On lodgment for registration of an amendment to a strata development contract	75.00
16 For supplying a copy of a strata development contract or part of a strata development contract to any person attending an office of the Department of Lands	10.00
17 For supplying a copy of a strata development contract or part of a strata development contract in response to a requisition requiring dispatch of information by post, facsimile or other means approved by the Registrar-General	22.00
18 For supplying a copy of any by-laws lodged with a strata plan to any person attending an office of the Department of Lands	10.00
19 On lodgment of any document not otherwise referred to in this Schedule	75.00



Supreme Court Further Amendment (Fees) Regulation 2004

under the

Supreme Court Act 1970

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Supreme Court Act 1970*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain court fees (as set out in the *Supreme Court Regulation 2000*) payable in respect of the business of the Supreme Court.

This Regulation is made under the *Supreme Court Act 1970*, including section 130 (Fees and percentages).

Clause 1 Supreme Court Further Amendment (Fees) Regulation 2004

Supreme Court Further Amendment (Fees) Regulation 2004

under the

Supreme Court Act 1970

1 Name of Regulation

This Regulation is the *Supreme Court Further Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Supreme Court Regulation 2000

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

Supreme Court Further Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

	\$
1 (1) Filing an initiating process (other than an initiating process referred to in paragraph (2) or (3) or filed in the Court of Appeal)	1,230 (in the case of a corporation) or 615 (in any other case)
(2) Filing an initiating process in the Equity Division for entry in the Commercial List, the Construction List or the Admiralty List	2,808 (in the case of a corporation) or 1,404 (in any other case)
(3) Filing an initiating process by which an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> is made in respect of an estate the sworn gross value of which:	
(a) is less than \$50,000	Nil
(b) is \$50,000 or more but less than \$250,000	543
(c) is \$250,000 or more but less than \$500,000	684
(d) is \$500,000 or more but less than \$1,000,000	1,031
(e) is \$1,000,000 or more	1,373

Supreme Court Further Amendment (Fees) Regulation 2004

Schedule 1 Amendment

 §

- (4) The fees for filing a cross-claim under Part 6 (Cross-claims) of the *Supreme Court Rules 1970* in any Division of the Court are to be the same fees as are from time to time payable in respect of the filing of an initiating process in that Division.

Note 1. In this item, *initiating process* means:

- (a) an originating process under the *Supreme Court Rules 1970* (other than a notice of appeal to the Court of Appeal or a summons for leave to appeal to the Court of Appeal), or
- (b) a notice of appeal under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* or section 69 of the *Local Courts (Civil Claims) Act 1970*, or
- (c) a petition, or
- (d) subject to Note 3, an originating process under the *Corporations Act 2001* of the Commonwealth, or
- (e) a writ of summons under the *Admiralty Rules* of the Commonwealth.

Note 2. Where proceedings are entered in the Commercial List, the Construction List or the Admiralty List:

- (a) the fee payable is the difference between the fee referred to in paragraph (2) of item 1 and any fee paid under paragraph (1) or (3) of that item, and
- (b) the fee is payable:
 - (i) if the proceedings are entered pursuant to an order of the Court—by the party requesting the making of the order, or
 - (ii) if the proceedings are entered by the consent of the parties—by the parties to the proceedings in equal proportions.

Supreme Court Further Amendment (Fees) Regulation 2004

Amendment

Schedule 1

 \$

Note 3. This item does not apply to:

- (a) a summons by which an application for a grant or resealing under Part 78 (Probate) of the *Supreme Court Rules 1970* is made in respect of an estate the sworn gross value of which is less than \$50,000, or
- (b) a summons by which an application is made in the course of a winding up by the Court under the *Corporations Act 2001* of the Commonwealth, unless it is a summons claiming relief under section 1321 of the *Corporations Act 2001* of the Commonwealth or regulation 5.6.26 (3) or 5.6.54 (2) of the *Corporations Regulations 2001* of the Commonwealth, or
- (c) a summons to pass accounts which is filed pursuant to section 85 (1AA) of the *Wills, Probate and Administration Act 1898*.

Note 4. No fee is payable:

- (a) in respect of a summons issued under Part 58 (Taking evidence for foreign and Australian courts and tribunals) of the *Supreme Court Rules 1970*, or
- (b) for an initiating process which relates to the issue of a subpoena to be served outside the State under the *Service and Execution of Process Act 1992* of the Commonwealth.

2 For filing in the Court of Appeal:

- | | | |
|-----|--|---|
| (a) | a holding summons for leave to appeal or to cross-appeal | 240 (in the case of a corporation) or 120 (in any other case) |
| (b) | an ordinary summons for leave to appeal or to cross-appeal in respect of an application initiated by a holding summons | 1,126 (in the case of a corporation) or 563 (in any other case) |
| (c) | any other summons | 1,364 (in the case of a corporation) or 682 (in any other case) |

Supreme Court Further Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
(d)	notice of appeal without appointment	544 (in the case of a corporation) or 272 (in any other case)
(e)	notice of appeal with appointment:	
(i)	in proceedings in which a summons has been filed in the Court of Appeal	2,870 (in the case of a corporation) or 1,435 (in any other case)
(ii)	in proceedings in which a notice of appeal without appointment has been filed	3,692 (in the case of a corporation) or 1,846 (in any other case)
(iii)	in any other proceedings	4,234 (in the case of a corporation) or 2,117 (in any other case)

Note. The fee under item 2 (e) (ii) is payable for the obtaining of an appointment to proceed with a cross-appeal if an appeal has been discontinued before the filing of a notice of appeal with appointment in respect of the discontinued appeal.

3	For allocation of a date for hearing of the proceedings by one or more judges, a judge and jury or a master	2,344 (in the case of a corporation) or 1,172 (in any other case)
---	---	---

Note 1. The fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.

Supreme Court Further Amendment (Fees) Regulation 2004

Amendment

Schedule 1

 \$

Note 2. A fee is payable for:

- (a) an application for leave to appeal or cross-appeal if the appeal or cross-appeal has been set down for hearing on the basis that oral argument on the appeal or cross-appeal will proceed concurrently with the application for leave to appeal or cross-appeal, or
- (b) proceedings allocated a date for hearing after 1 September 2000 whether the proceedings were initiated before or after that date.

Note 3. No fee is payable:

- (a) in criminal proceedings, or
- (b) in proceedings of an interlocutory nature only.

Note 4. A hearing allocation fee is not payable and, if paid, is to be remitted if:

- (a) the proceedings do not proceed on the allocated date for hearing, and
- (b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings.

4	(1) Filing a requisition for civil trial by jury (to be paid by party requesting jury)	1,492 (in the case of a corporation) or 746 (in any other case)
	(2) Daily jury retention fee (to be paid by party requesting jury for each day jury is required after the first day of a civil trial)	680 (in the case of a corporation) or 340 (in any other case)
5	Filing an application for an order under section 76B of the Act for referral of an action to arbitration	688 (in the case of a corporation) or 344 (in any other case)
6	(1) For the hearing of proceedings by one of more Judges—each half day of hearing on or after the 11th day	438 (in the case of a corporation) or 219 (in any other case)

Supreme Court Further Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
(2)	For the hearing of proceedings by a master— each half day of hearing on or after the 11th day	394 (in the case of a corporation) or 197 (in any other case)
<p>Note 1. A half day is 3 hours or part of 3 hours. That 3-hour period includes any short adjournment of less than half an hour.</p> <p>Note 2. The fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.</p> <p>Note 3. No fee is payable:</p> <ul style="list-style-type: none"> (a) in criminal proceedings, or (b) if the sole purpose of the hearing is the delivery of a reserved judgment, or (c) if a date for hearing the proceedings was allocated before 1 July 2003. <p>Note 4. If a matter is heard by a judge and jury, a hearing fee may be payable in addition to the daily jury retention fee.</p>		
7	Filing notice of motion under Rule 2 of Part 19 of the <i>Supreme Court Rules 1970</i> or an interlocutory process under the <i>Corporations Act 2001</i> of the Commonwealth	284 (in the case of a corporation) or 142 (in any other case)
8	To open or keep open the registry or part of the registry or to open or keep open an office of a clerk of the Court elsewhere in the State:	976 (in the case of a corporation) or 488 (in any other case)
	(a) on a Saturday, Sunday or public holiday, or	
	(b) on any other day before 9 am or after 5 pm	
<p>Note. No fee is payable in criminal proceedings.</p>		
9	For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney	102 (in the case of a corporation) or 51 (in any other case)

Supreme Court Further Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
10	To furnish a copy of the written opinion or reasons for opinion of any judge or of any master or other officer of the Court:	
	(a) for a printed copy	48
	(b) for any other kind of copy	30
	Note. A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.	
11	To prepare appeal papers—for the first 11 copies, or such other number of copies as is ordered to be printed by the registrar—for each volume of not more than 250 pages	976 (in the case of a corporation) or 488 (in any other case)
12	The fees to be paid to the Marshal in Admiralty are to be the same fees as are from time to time taken by the Sheriff or an officer of the Sheriff for service and execution of process of the Court, except there is no levy payable on a writ of execution.	
13	Certificate of a registrar as to a signature of a public notary	41
14	To prepare a copy of a will, a certificate of grant, an exemplification or a divorce decree, or a copy of a certificate of conviction (except where it is requested by a party to the proceedings)	41
15	Making a copy of any document, otherwise than as provided for by item 10 or 14 for each page (minimum fee of \$10)	2
16	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	35

Supreme Court Further Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
17	For each copy of the transcript of any proceedings:	
	(a) for each page, where the matter being transcribed is under 3 months old	7.60
	(minimum fee for 1 to 8 pages of \$64)	
	(b) for each page, where the matter being transcribed is 3 months old or older	8.70
	(minimum fee for 1 to 8 pages of \$75)	
18	To conduct a genealogical search on a probate file (for each file searched)	78
19	To conduct an adoption search (for each file searched)	41
	Note. This amount also includes a copy of any document, if approved by the Court.	
20	To conduct a search for an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> (for each file searched)	30
21	To lodge a caveat against an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i>	58 (in the case of a caveator that is a corporation) or 29 (in any other case)
22	To lodge a will that is not attached to an initiating process by which an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> is made	30
23	To issue a subpoena (for production, to give evidence, or both)	110 (in the case of a corporation) or 55 (in any other case)

Supreme Court Further Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
24	<p>Notice lodged by a legal practitioner of another State, of a Territory of the Commonwealth or of New Zealand for admission as a legal practitioner of the Court</p> <p>Note. This fee is fixed as referred to in section 40 of the <i>Mutual Recognition Act 1992</i> of the Commonwealth and section 40 of the <i>Trans-Tasman Mutual Recognition Act 1997</i> of the Commonwealth. Under those Acts, such a fee cannot be greater than the fee imposed on persons in New South Wales seeking to be admitted as legal practitioners of the Court.</p>	(See Note to this item)
25	<p>For storing material over 1 kg in weight that is produced on subpoena (to be paid by the party requesting issue of the subpoena)</p> <p>Note. This fee must be remitted under clause 11 if:</p> <p>(a) within 4 weeks of being granted leave to inspect the material, the party requesting the issue of the subpoena:</p> <p style="margin-left: 20px;">(i) notifies the Court in writing of that part of the material that is not required for the purposes of the proceedings, and</p> <p style="margin-left: 20px;">(ii) consents to the return of that part to the person who produced the material, and</p> <p>(b) the remainder of the material weighs less than 1 kg.</p>	106 (in the case of a corporation) or 53 (in any other case)
26	<p>For storing material produced under a notice to produce (to be paid by the party who issued the notice), but only if the party who produced the material to the Court or the registry does not collect the material within the time specified in a notice issued to that party by a registrar</p>	106 (in the case of a corporation) or 53 (in any other case)
27	<p>The fee for a service not otherwise provided for in this Schedule</p> <p>Note. This fee is chargeable only with the approval of the Principal Registrar.</p>	58 (in the case of a corporation) or 29 (in any other case)



Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2004

under the

Trade Measurement Administration Act 1989

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

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

Explanatory note

The object of this Regulation is to increase certain fees and charges payable under the *Trade Measurement Administration Act 1989* to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in that Act as the Director-General of that Department). The increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Trade Measurement Administration Act 1989*, including sections 10, 13 and 28 (the general regulation-making power).

Clause 1 Trade Measurement Administration Amendment (Fees and Other Charges)
Regulation 2004

Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2004

under the

Trade Measurement Administration Act 1989

1 Name of Regulation

This Regulation is the *Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Trade Measurement Administration Regulation 2002

The *Trade Measurement Administration Regulation 2002* is amended as set out in Schedule 1.

Trade Measurement Administration Amendment (Fees and Other Charges)
Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 6 Charges payable in respect of verification or re-verification by an inspector (section 10 of the Act)

Omit "\$32" from clause 6 (a). Insert instead "\$33".

[2] Clause 7 Charges payable by servicing licensee in respect of certification (section 11 of the Act)

Omit "\$13" from clause 7 (2) (a). Insert instead "\$14".

[3] Clause 8 Other fees and charges (section 13 of the Act)

Omit "\$35" from clause 8 (3). Insert instead "\$36".

[4] Schedule 2 Other fees and charges

Omit Part 1 of the Schedule. Insert instead:

Part 1 Fees payable to Director-General

Column 1	Column 2
Fee to accompany application for servicing licence	\$63
Fee to accompany application for public weighbridge licence	\$63
Periodic licence fee for servicing licence	\$266 per annum for each place at which the servicing licensee carries on business
Periodic licence fee for public weighbridge licence	\$198 per annum for each place at which the public weighbridge licensee carries on business
Fee for issue of certificate of suitability	\$63

Trade Measurement Administration Amendment (Fees and Other Charges)
Regulation 2004

Schedule 1 Amendments

Column 1	Column 2
Fee for amended licence or certificate of suitability	\$59
Fee for duplicate licence or certificate of suitability	\$28



Transport Administration (General) Amendment (Sydney Ferries) Regulation 2004

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

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

Explanatory note

The object of this Regulation is to amend the *Transport Administration (General) Regulation 2000*, as a result of the commencement of the *Transport Administration Amendment (Sydney Ferries) Act 2003*, for the following purposes:

- (a) to apply existing offences relating to drivers of cars, and parking of cars, to Sydney Ferries land, and to also apply related false representations offences in respect of Sydney Ferries,
- (b) to enable the appointment of traffic control officers for Sydney Ferries and to confer functions on them.

This Regulation is made under the *Transport Administration Act 1988*, including sections 106C, 117 and 119 (the general regulation-making power).

Clause 1 Transport Administration (General) Amendment (Sydney Ferries)
 Regulation 2004

Transport Administration (General) Amendment (Sydney Ferries) Regulation 2004

under the

Transport Administration Act 1988

1 Name of Regulation

This Regulation is the *Transport Administration (General) Amendment (Sydney Ferries) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Transport Administration (General) Regulation 2000

The *Transport Administration (General) Regulation 2000* is amended as set out in Schedule 1.

Transport Administration (General) Amendment (Sydney Ferries)
Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert after paragraph (b) of the definition of *relevant Authority*:

, or

(c) Sydney Ferries, in relation to Sydney Ferries land.

[2] Clause 3

Insert in alphabetical order:

Sydney Ferries land means land vested in Sydney Ferries.

[3] Clause 3, definition of “traffic control device”

Insert “, Sydney Ferries” after “RailCorp” in paragraph (b).

[4] Clause 3, definition of “traffic control officer”

Insert after paragraph (d):

, or

(e) a person or a member of a class of persons appointed in writing by the chief executive officer of Sydney Ferries, in relation to Sydney Ferries land.

[5] Clause 6 Powers of traffic control officers and duties of drivers

Insert “, Sydney Ferries” after “RailCorp” wherever occurring.

[6] Clause 7 Parking of vehicles only in parking areas

Insert “, Sydney Ferries” after “RailCorp” in clause 7 (1).

[7] Clause 8 Parking contrary to traffic control devices

Insert “, Sydney Ferries” after “RailCorp” in clause 8 (1).

[8] Clause 9 False representation

Insert “, Sydney Ferries” after “RailCorp” wherever occurring.



Travel Agents Amendment (Fees) Regulation 2004

under the

Travel Agents Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Travel Agents Act 1986*.

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

Explanatory note

The object of this Regulation is to increase application fees for licensing payable under the *Travel Agents Act 1986*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Travel Agents Act 1986*, including sections 10, 15, 17 and 57 (the general regulation-making power).

Clause 1 Travel Agents Amendment (Fees) Regulation 2004

Travel Agents Amendment (Fees) Regulation 2004

under the

Travel Agents Act 1986

1 Name of Regulation

This Regulation is the *Travel Agents Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Travel Agents Regulation 2001

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

Travel Agents Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 7)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Application fee for granting or restoration of licence (corporation)	\$93	nil	\$316 per place of business
Annual fee under section 17 (1) of the Act (corporation)	\$24	nil	\$316 per place of business
Application fee for granting or restoration of licence (individual, other than partner)	\$93	nil	\$316 per place of business
Annual fee under section 17 (1) of the Act (individual, other than partner)	\$24	nil	\$316 per place of business
Application fee for granting or restoration of licence (individual or corporation, principal partner)	\$93	nil	\$316 per place of business
Annual fee under section 17 (1) of the Act (individual or corporation, principal partner)	\$24	nil	\$316 per place of business

Page 3

Travel Agents Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Application fee for granting or restoration of licence (individual or corporation, ordinary partner)	\$70	nil	nil
Annual fee under section 17 (1) of the Act (individual or corporation, ordinary partner)	nil	nil	nil
Late fee under section 17 (8) of the Act	nil	\$47	nil
Application fee for replacement of licence	\$26	nil	nil
Issue of certificate under section 15 of the Act	nil	\$19	nil



Workers Compensation Amendment (Unpaid Premiums) Regulation 2004

under the

Workers Compensation Act 1987

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

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

Explanatory note

Section 175B of the *Workers Compensation Act 1987* makes a principal contractor liable, in certain cases, for a subcontractor's unpaid workers compensation premiums in relation to employees of that subcontractor that are engaged in carrying out work in connection with a business undertaking of the principal contractor. Clause 53 of the *Workers Compensation Regulation 2003* exempts certain contracts entered into by farmers from the operation of section 175B.

The object of this Regulation is to limit the exemption provided by clause 53 to work carried out before 1 July 2004 under such a contract.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 175B (14) and 280 (the general regulation-making power).

Clause 1 Workers Compensation Amendment (Unpaid Premiums) Regulation 2004

Workers Compensation Amendment (Unpaid Premiums) Regulation 2004

under the

Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Unpaid Premiums) Regulation 2004*.

2 Amendment of Workers Compensation Regulation 2003

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

Workers Compensation Amendment (Unpaid Premiums) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 53 Liability for subcontractor premiums—exemption for farming operations

Omit “A contract” from clause 53 (1).

Insert instead “Any work carried out before 1 July 2004 under a contract”.

Orders



Conveyancers Licensing Amendment (Vero Insurance) Order 2004

under the

Conveyancers Licensing Act 1995

I, the Minister for Fair Trading, in pursuance of section 8 of the *Conveyancers Licensing Act 1995*, make the following Order.

Dated, this 15th day of June 2004.

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

Explanatory note

The object of this Order is to specify a policy for professional indemnity insurance that is an approved policy for the purposes of the *Conveyancers Licensing Act 1995*.

This Order is made under section 8 of the *Conveyancers Licensing Act 1995*.

Clause 1 Conveyancers Licensing Amendment (Vero Insurance) Order 2004

Conveyancers Licensing Amendment (Vero Insurance) Order 2004

under the

Conveyancers Licensing Act 1995

1 Name of Order

This Order is the *Conveyancers Licensing Amendment (Vero Insurance) Order 2004*.

2 Amendment of Conveyancers Licensing Order 2000

The *Conveyancers Licensing Order 2000* is amended by inserting after clause 3 (f) the following paragraph:

- (g) the master policy of professional indemnity insurance (Number FI304753DF) of Vero Insurance Limited covering the period from 1 July 2004 to 30 June 2005.



Scale of Fees

under the

Sheriff Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has fixed the scale of fees, as set out in Schedule 1, to be chargeable in the Sheriff's Office under section 9 of the *Sheriff Act 1900*, with effect on and from 1 July 2004.

BOB DEBUS, M.P.,
Attorney General

Scale of Fees

Schedule 1 Scale of fees to be chargeable in the Sheriff's Office

Schedule 1 Scale of fees to be chargeable in the Sheriff's Office

	\$
1 Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted	44
2 For execution, or attempted execution, of any writ, warrant or commission	228
3 Levy on a writ of execution—3% of amount collected by the Sheriff or an officer of the Sheriff	
4 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	558
5 Keeper's fee, each person for each day of 8 hours or part of the day	305
6 Making a copy of any document, for each page (minimum fee of \$10)	2
7 On every search—each name	14
8 Certifying office copy of writ	14
9 Attending a view by a jury (to be paid by the party making the request)	121
10 To open or keep open the Office:	
(a) on a Saturday, Sunday or public holiday	488
(b) on any other day:	
(i) before 9 am or after 4:30 pm	488
(ii) between 9 and 9:30 am or 4 and 4:30 pm	51

Scale of Fees

Scale of fees to be chargeable in the Sheriff's Office

Schedule 1

\$

- 11 The amount reasonably incurred for the following:
- (a) advertising,
 - (b) keeping of livestock levied on,
 - (c) officers' travelling expenses in relation to a view, or in conveying an arrested person to a correctional centre or to court,
 - (d) travelling expenses for each keeper or assistant including, where necessary, the cost of meals,
 - (e) the execution/service or attempted execution/service of any writ, warrant, commission, summons, process or other document not otherwise provided for.
-



Public Sector Employment and Management (NSWbusinesslink) Order 2004

under the

Public Sector Employment and Management Act 2002

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 Chapter 4 of the *Public Sector Employment and Management Act 2002*, make the following Order.

Dated, this 16th day of June 2004.

By Her Excellency's Command,

BOB CARR, M.P.,
Premier

Clause 1 Public Sector Employment and Management (NSWbusinesslink) Order
2004

Public Sector Employment and Management (NSWbusinesslink) Order 2004

under the

Public Sector Employment and Management Act 2002

1 Name of Order

This Order is the *Public Sector Employment and Management (NSWbusinesslink) Order 2004*.

2 Commencement

This Order commences on 1 July 2004.

3 Establishment of NSWbusinesslink as a Department

A Department of the Public Service with the name of NSWbusinesslink is established.

4 Responsible Minister for NSWbusinesslink

NSWbusinesslink is responsible to the Minister for Community Services, the Minister for Ageing and the Minister for Disability Services.

5 Transfer of branch to NSWbusinesslink

The NSWbusinesslink branch is removed from the Department of Housing and added to the Department established by this Order.

6 Amendment of Schedule 1 to Public Sector Employment and Management Act 2002

Schedule 1 to the *Public Sector Employment and Management Act 2002* is amended by inserting in alphabetical order of Departments the following matter:

NSWbusinesslink

Managing Director,
NSWbusinesslink

Other Legislation



Notice adjusting description of lands

under the

National Park Estate (Reservations) Act 2003

I, the Director-General of the Department of Environment and Conservation, with the approval of the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Forestry Act 1916*, and pursuant to section 9 of the *National Park Estate (Reservations) Act 2003* (**the Act**), adjust the description of lands in Schedule 4 to the Act by omitting “1st Edition” wherever occurring in that Schedule and inserting instead “2nd Edition”.

In accordance with section 9 (5) of the Act, I certify that the adjustments effected by this notice will not result in any significant reduction in the size or value of national park estate land or State forest land.

Lisa Corbyn

Director-General of the Department of Environment and Conservation

Dated, this 23rd day of June 2004.



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

- (a) Schedule 1 to that Act is amended by inserting in Part 1 immediately before the heading “Burhinidae” (under the headings “Animals”, “Vertebrates” and “Birds”):

Rostratulidae

* <i>Rostratula benghalensis australis</i> (Gould, 1838)	Painted Snipe (Australian subspecies)
---	--

- (b) Schedule 2 to that Act is amended by omitting the following matter (under the headings “Animals”, “Vertebrates” and “Birds”):

Rostratulidae

<i>Rostratula benghalensis</i> (Linnaeus, 1758)	Painted Snipe
--	---------------

Notice of Final Determination

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, as a consequence, to omit reference to it as a species presumed extinct and, accordingly, Schedule 1 to that Act is amended:

- (a) by inserting in Part 1 in alphabetical order under the heading “Muridae” (under the headings “Animals”, “Vertebrates” and “Mammals”):

* *Notomys fuscus* (Jones, 1925) Dusky Hopping-mouse

- (b) by omitting from Part 4 from under the heading “Muridae” (under the headings “Animals”, “Vertebrates” and “Mammals”):

Notomys fuscus (Jones, 1925) Dusky Hopping-mouse

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Notice of Final Determination

Copies of final determination and reasons

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



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

Asterolasia sp. “Dungowan Creek” (Beckers s.n. 25 Oct. 1995)

Dated, this 9th day of June 2004.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in alphabetical order under the heading “Gekkonidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Diplodactylus stenodactylus Crowned Gecko
Boulenger 1896

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

Oedura rhombifer Gray, 1845

Zigzag Velvet Gecko

Dated, this 9th day of June 2004.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in alphabetical order under the heading “Scincidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Lerista xanthura Storr, 1976

Yellow-tailed Plain Slider

Dated, this 9th day of June 2004.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in alphabetical order under the heading “Scincidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Ctenotus brooksi (Loveridge, 1933) Wedgesnout Ctenotus

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in alphabetical order under the heading “Gekkonidae” (under the headings “Animals”, “Vertebrates” and “Reptiles”):

Diplodactylus elderi Stirling and Jewelled Gecko
Zietz 1893

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

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

Amytornis barbatus barbatus, Grey Grasswren
Favaloro & McEvey, 1968

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

Amytornis barbatus Favaloro & Grey Grasswren
McEvey, 1968

Dated, this 9th day of June 2004.

Associate Professor Paul Adam
Chairperson of the Scientific Committee

Notice of Final Determination

Copies of final determination and reasons

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

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

OFFICIAL NOTICES

Appointments

COAL MINES REGULATIONS ACT 1982

Appointment of Inspector of Coal Mines

MARIE BASHIR, Governor
I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to the provisions of Section 7(1)(d) of the Coal Mines Regulations Act 1982, appoint EDWARD WALKER MORGAN and DOUGLAS SMITH as Inspector of Coal Mines for a period of 12 months commencing on the date of this appointment.

Signed and sealed at Sydney, this 16th June day of 2004.

By Her Excellency's Command

The Cabinet Office, Sydney
23 June 2004

CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the
Minister for Tourism and Sport and Recreation, and
Minister for Women

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable AB Kelly MLC, Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands, to act for and on behalf of the Minister for Tourism and Sport and Recreation, and Minister for Women, as on and from 25 June 2004, with a view to him performing the duties of the Honourable SC Nori MP, during her absence from duty.

BOB CARR,
Premier

The Cabinet Office, Sydney
23 June 2004

CONSTITUTION ACT 1902

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

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable DA Campbell MP, Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, to act for and on behalf of the Minister for Roads, and Minister for Housing, as on and from 28 June 2004, with a view to him performing the duties of the Honourable PC Scully, MP, during his absence from duty.

BOB CARR,
Premier

EDUCATION ACT 1990

Notification of an Appointment to the Board of Studies

I, ANDREW JOHN REFSHAUGE, Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs, in pursuance of Schedule 1, Clause 8 of the Education Act 1990, appoint Professor Kevin Malcolm McCONKEY as a member of the Board of Studies, being a nominee provided under section 100(3)(a), for a term commencing on and from 1 May 2004 until 31 July 2004.

ANDREW REFSHAUGE, M.P.,
Deputy Premier,
Minister for Education and Training,
and Minister for Aboriginal Affairs

MENTAL HEALTH ACT 1990

Order under section 287A

I, ROBYN KRUK, Director-General of the NSW Department of Health, in pursuance of the provisions of section 287A of the Mental Health Act 1990, DO HEREBY appoint the following persons listed in Column 1 and employed by the public health organisation listed in Column 2 as Accredited Persons for the purposes of the Mental Health Act for a term of 6 months commencing on and from 1 July 2004, provided:

1. That they exercise the function of an Accredited Person only during the course of their employment by the respective public health organisation listed in column 2 immediately opposite to their name; and
2. That at all times they act in accordance with such Policies and Procedures applicable to Authorised Officers as may be issued from time to time by the Department of Health or their respective public health organisation employer.

Column 1

Robert Davidson
Bronwyn Bevan
Floyd Kenny
Andrew Roberts
Trevor Clark
Barbara Lamrock
Wendy Crockett
Judith Jeffs
John Lyons
Allan Hyslop
Catherine Harris
Mark Joyce
Shane Hoyland
Murray Drysdale
Garry Weatherall
Eva Pickles
Barbara Brown
John Keenan
Peter Collison
Leah Wilkinson
Gary Wall

Column 2

Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Mid Western Area Health Service
Macquarie Area Health Service
Macquarie Area Health Service
Macquarie Area Health Service
Central Coast Area Health Service
Central Coast Area Health Service
Central Coast Area Health Service
Central Coast Area Health Service
Central Coast Area Health Service
Central Coast Area Health Service
Far West Area Health Service
Far West Area Health Service
Far West Area Health Service
Far West Area Health Service

Brendan Hedger Far West Area Health Service
 Melissa McInnes Far West Area Health Service
 Vanessa Smith Far West Area Health Service
 Ian Murray Far West Area Health Service
 Dennis Casey Northern Rivers Area Health Service
 Laine McKenna Northern Rivers Area Health Service
 Kim Scully Northern Rivers Area Health Service
 Jacinta Lipp Northern Rivers Area Health Service
 Melissa Woodroffe-Hill Northern Rivers Area Health Service
 Michael Gray du Sautoy Northern Rivers Area Health Service
 David Pollard Northern Rivers Area Health Service
 Paul de Jong Northern Rivers Area Health Service
 Elizabeth Martin Northern Rivers Area Health Service
 Karen Little Northern Rivers Area Health Service
 Warren Isaac New England Area Health Service
 Roderick Keith New England Area Health Service
 Fiona Little New England Area Health Service
 Belinda Rule New England Area Health Service
 Linda Adams New England Area Health Service
 Jeffrey Hardcastle Mid North Coast Area Health Service
 Barry Toohey Mid North Coast Area Health Service
 Elizabeth Knight Mid North Coast Area Health Service
 John Atkinson Mid North Coast Area Health Service
 David Livingston Mid North Coast Area Health Service
 Wayne John Holland Mid North Coast Area Health Service
 Jacqueline Townsend Mid North Coast Area Health Service
 John Graham Mid North Coast Area Health Service
 Alison Boehme Mid North Coast Area Health Service
 Janice Wood Mid North Coast Area Health Service
 Donna Widdison Mid North Coast Area Health Service
 Susan Newbown Mid North Coast Area Health Service
 Terrance Golledge Mid North Coast Area Health Service
 John Wills Hunter Area Health Service
 Kerri Barrack Hunter Area Health Service
 Jennifer Bryant Hunter Area Health Service
 Jenny Aubrey Hunter Area Health Service
 Ann Relf Hunter Area Health Service
 Karen Harmon Hunter Area Health Service
 Donald Stewart Hunter Area Health Service
 Peter Treacy Hunter Area Health Service
 Bronwyn Hamilton Hunter Area Health Service
 Raymond Robinson Hunter Area Health Service
 Teresa Stone Hunter Area Health Service
 Mark Coleman Illawarra Area Health Service
 Sylvia Fitzgerald Southern Area Health Service
 Celeste Mayers Southern Area Health Service
 Dennis Churchill Southern Area Health Service
 Bronwyn McElvenney Southern Area Health Service
 Samantha Pearce Southern Area Health Service
 Katherine Parsons Southern Area Health Service
 Noel Timbs Greater Murray Area Health Service
 Carolyn Leslie Greater Murray Area Health Service
 Jayne Ross Greater Murray Area Health Service
 Janet Jamieson Greater Murray Area Health Service
 Samantha Johnson Greater Murray Area Health Service
 Eilene Mason Greater Murray Area Health Service
 Sonia Reilly Northern Sydney Area Health Service
 Martin Collis Northern Sydney Area Health Service
 Jessica Logan Northern Sydney Area Health Service
 Sheila Nicolson Northern Sydney Area Health Service
 Michael Gillen Northern Sydney Area Health Service
 Margaret English The Royal Alexandra Hospital for
 Children
 Jack Muller South Western Sydney Area Health

Service
 Michael Guymer South Western Sydney Area Health
 Service
 Joseph Chuong South Western Sydney Area Health
 Service
 Pam Allen Justice Health
 Lesley Douglas Justice Health
 Sandra Gillett Western Sydney Area Health Service
 Signed this twenty first day of June 2004.

ROBYN KRUK,
 Director-General

STATE OWNED CORPORATIONS ACT 1989

Appointment

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 20K of the *State Owned Corporations Act 1989*, has appointed WILLIAM DAVID EVANS as CHIEF EXECUTIVE OFFICER, SYDNEY WATER CORPORATION effective on and from 1 April 2004.

The Hon FRANK SARTOR, M.P.,
 Minister for Energy and Utilities,
 Minister for Science and Medical Research,
 Minister Assisting the Minister for Health Cancer,
 and Minister Assisting the Premier on the Arts

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Sections 8 and 9 Notification – Fishing Closure Modification

Hawkesbury River, Brisbane Waters and Patonga Creek

I, STEVE DUNN, vary the closure signed by the Honourable IAN MICHAEL MACDONALD and published in the *Government Gazette* of 18 June 2004, relating to the taking of oysters in the water of the Hawkesbury River, Brisbane Waters, and Patonga Creek to the effect that:

The taking of oysters in all waters of the Hawkesbury River, Brisbane Waters, and Patonga Creek is prohibited. Movement of oysters from Hawkesbury River, Brisbane Waters, and Patonga Creek into the Georges River is permitted. Oysters may also be moved from Brisbane Waters and Patonga Creek into Hawkesbury River. Oysters may not be moved from Hawkesbury River to Patonga Creek or Brisbane Waters. Oyster farming infrastructure must be cleaned and dried for 30 days before use in other estuaries.

Depuration of oysters originating from Hawkesbury River, Brisbane Waters and Patonga Creek is not permitted in other estuaries except in accordance with a protocol approved by NSW Fisheries. Depuration of Brisbane Waters oysters in Hawkesbury River is permitted.

This prohibition will be effective for a period of thirty days from the date of publication of the original notification, published in the *Government Gazette* on 18 June 2004.

Dated: 18 June 2004.

STEVE DUNN,
Director-General, NSW Fisheries

Note: For the purposes of this notification

- (1) The terms 'taking of oysters and oyster farming infrastructure' does not include the taking of oysters destined for direct sale for human consumption (i.e. packaged, market grade oysters, consigned to a wholesaler or retailer). Nor does the term include the taking of oysters for the purpose of relocating and relaying the oysters within that estuary.

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE MINISTER has renewed the following class 1 Aquaculture Leases:

OL58/174 within the estuary of Port Stephens, having an area of 0.7516 hectares to Darrell and Kevin Johnson of Karuah, NSW, for a term of 15 years expiring on 2 December 2018.

OL73/346 within the estuary of the Macleay River, having an area of 1.2744 hectares to Warren Auld, Maureen Auld and Colin Auld of Stuarts Point, NSW, for a term of 15 years expiring on 04 December 2019.

OL75/042 within the estuary of the Hawkesbury River, having an area of 0.9137 hectares to Allen Jeffrey Davidson of Brooklyn, NSW, for a term of 15 years expiring on 7 February 2020.

OL84/242 within the estuary of the Crookhaven River, having an area of 0.3361 hectares to Christopher James Munn of Greenwell Point, NSW, for a term of 15 years expiring on 26 February 2019.

OL59/076 within the estuary of the Manning River, having an area of 1.3001 hectares to Gary Ruprecht and Errol Ruprecht of Mitchells Island, NSW, for a term of 15 years expiring on 30 March 2019.

OL73/109 within the estuary of the Clyde River, having an area of 1.8878 hectares to Jim Yiannaros & John Yiannaros of Surfside, NSW, for a term of 15 years expiring on 31 July 2018.

OL73/322 within the estuary of the Macleay River, having an area of 2.4024 hectares to John Thomas Elford of South West Rocks, for a term of 15 years expiring on 5 June 2019.

OL88/051 within the estuary of Port Stephens, having an area of 0.3581 hectares to Michael O'Connor of Karuah, NSW, for a term of 15 years expiring on 3 April 2018.

STEVE DUNN,
Director-General, NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

PUBLIC NOTICE

AMENDMENT

THIS Notice amends the Notice "Invitation to apply for shares in share management fisheries" published on 23 April 2004, *Government Gazette* No. 75, pages 2155-2162.

Part 5

Item 3: Criteria for allocation of shares in fishery

A: Inshore Prawn Trawl Shares

Omit:

Inshore prawn trawl monthly catch returns are identified by the method *prawn trawl* undertaken in all ocean waters with indicator species including school prawns, king prawns, greasyback prawns or 'prawns unspecified',

Insert instead:

Inshore prawn trawl monthly catch returns are identified by the method *prawn trawl* undertaken in all ocean waters with indicator species including school prawns, king prawns, greasyback prawns, 'prawns unspecified', school whiting, or bugs. Alternatively, an ocean waters catch return with indicator species including, school prawn, king prawns, greasyback prawns or 'prawns unspecified'.

B: Offshore Prawn Trawl Shares

Omit:

Offshore prawn trawl monthly catch returns are identified by the method *prawn trawl* undertaken in all ocean waters excluding those catches from ocean zones 7, 8, 9 and 10 after January 1992 inclusive. Indicator species include king prawns or 'prawns unspecified'

Insert instead:

Offshore prawn trawl monthly catch returns are identified by the method *prawn trawl* undertaken in all ocean waters excluding those catches from ocean zones 7, 8, 9 and 10 after January 1992 inclusive with indicator species include king prawns, school prawns, 'prawns unspecified' or bugs. Alternatively, an ocean waters catch return excluding those from ocean zones 7, 8, 9 and 10 after January 1992 inclusive, with indicator species including king prawns, school prawns, or 'prawns unspecified'.

D: Northern Fish Trawl Shares

Omit:

Northern fish trawl monthly catch returns are identified by the method *fish trawl* undertaken in ocean zones 4, 5, and 6. Indicator species include redfish, ling, mirror dory, john dory, ocean perch, tiger flathead, gemfish, ribbonfish, silver trevally, sand flathead, leatherjacket, snapper, tarwhine, yellowfin bream, mulloway, morwong, boarfish, moonfish, angel shark, gummy shark, school shark, hammerhead shark, endeavour dogfish, roughskin shark and saw shark.

Insert instead:

Northern fish trawl monthly catch returns are identified by the method *fish trawl* undertaken in ocean zones 4, 5, and 6 with indicator species include redfish, ling, mirror dory, john dory, ocean perch, tiger flathead, gemfish, ribbonfish, silver trevally, sand flathead, leatherjacket, snapper, tarwhine, yellowfin bream, mulloway, morwong, boarfish, moonfish, school whiting, angel shark, gummy shark, school shark, hammerhead shark, endeavour dogfish, roughskin shark and saw shark. Alternatively, an ocean waters catch return for ocean zones 4, 5 or 6 with greater than 1000 kg of the above indicator species (except whiting), or greater than 1000kg of 'fish unspecified' if the method *fish trawl* is recorded on the monthly catch return and 'fish unspecified' is the only catch recorded.

STEVE DUNN,
Director-General
NSW Fisheries

Date: 23 June 2004.

FISHERIES MANAGEMENT ACT 1994

Category 2 Share Management
Rental Charge (Amendment) Determination 2004
under the
Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 77A(7) of the Fisheries Management Act 1994 and clause 7 of the Category 2 Share Management Rental Charge Determination 2001, make the following amendment to the Category 2 Share Management Rental Charge Determination 2001.

Explanatory note: the purpose of this amendment is to adjust the Category Share Management Rental Charge in accordance with the Consumer Price Index.

IAN MACDONALD, M.P.,
Minister for Primary Industries

Signed 21 June 2004

Category 2 Share Management
Rental Charge (Amendment) Determination 2004

1 Name of determination

This determination is the Category 2 Share Management Rental Charge (Amendment) Determination 2004.

2 Commencement of amendment

This amendment comes into effect on 1 July 2004.

3 Amendments to the Category 2 Share Management Rental Charge Determination 2001.

The Category 2 Share Management Rental Charge Determination 2001 is amended by:

Omit "107" from clause 3. Insert instead "109".

FISHERIES MANAGEMENT ACT 1994

Commercial Fishing Environmental Impact Statement
(Continuation and Lobster Share Management Fishery
Amendment) Arrangements 2004

1. Name of arrangements

These arrangements are the Commercial Fishing Environmental Impact Statement (Continuation and Lobster Share Management Fishery Amendment) Arrangements 2004.

2. Commencement of arrangements

The amendments to the arrangements come into effect on 1 July 2004. Nothing in these amendments effects the application of the arrangements prior to this date.

3. Amendments to the Commercial Fishing Environmental Impact Statement Arrangements 2001

The Commercial Fishing Environmental Impact Statement Arrangements 2001 is amended by:

Omitting all references to 'Director' and replacing all such references with 'Director - General'.

Inserting into the definition of designated commercial fishing activity, 'commercial' before the words 'fishing activity'.

Omitting from sub-clause 5(1), the words 'share management fishery' and replacing with the words 'designated commercial fishing activity'

Omitting from sub-clause 5(2), the word 'rock' from before the words 'lobster share management'.

Insert, after sub-clause 5(2)(c):

- 5(2) (d) 1 July 2004, and
- 5(2) (e) 1 July 2005, and
- 5(2) (f) 1 July 2006.

Omitting sub-clauses 5(3)(a) and (b), and inserting sub-clauses:

5(3)(a) If a proponent is a participant in one designated commercial fishing activity (other than the lobster or abalone commercial fisheries), the amount payable is \$250.

5(3)(b) If a proponent is a participant in two designated commercial fishing activities (other than the lobster or abalone commercial fisheries), the amount payable is \$163 for the second designated commercial fishing activity.

Omitting sub-clause 5(4), and inserting sub-clause

5(4) If the proponent is a participant in more than two designated commercial fishing activities (other than the lobster or abalone commercial fisheries), the amount payable under sub-clause (3) for the third and each additional designated commercial fishing activity is \$109.

Inserting, after sub-clause 5(8), a new sub-clause:

(9) The contributions payable in the case of proponents in the lobster share management fishery are:

- (a) an amount of \$5.90 per share payable by 1 July 2004, and
- (b) an amount of \$5.90 per share payable by 1 July 2005, and
- (c) an amount of \$5.90 per share payable by 1 July 2006, and
- (d) an amount of \$5.90 per share payable by 1 July 2007, and
- (e) an amount of \$5.90 per share payable by 1 July 2008, and
- (f) an amount of \$5.90 per share payable by 1 July 2009.
- (g) any additional amount specified by the Director-General, NSW Fisheries, following consultation with the Lobster Management Advisory Committee, as being necessary to complete the fishery management strategy and environmental impact statement.

Inserting, after sub-clause(6)(b), a new sub-clause:

- (c) in the case of a designated commercial fishing activity other than a share management fishery, the person who owns a fishing business that entitles the person to be given an endorsement on his or her commercial fishing licence, or to nominate a person to be given such an endorsement, that authorises the holder of the fishing licence to take fish for sale.

IAN MACDONALD, M.P.,
Minister for Primary Industries

Signed 21 June 2004

FISHERIES MANAGEMENT ACT 1994

Total allowable commercial catch for Abalone

THE Total Allowable Catch Setting and Review Committee, pursuant to Division 4 of Part 2 of the Fisheries Management Act 1994, by this notice specifies that the total allowable commercial catch for abalone for the fishing period beginning 1 July 2004 to 30 June 2005 (both dates inclusive) is 206 tonnes.

Further the Committee recommends that during this period:

- none is taken from Region 1 south of Port Stephens;
- the catch from Region 2 be not more than 21 tonnes;
- the catch from Regions 3 and 4 be not more than 105 tonnes; and
- the catch from Regions 5 and 6 be not more than 80 tonnes.

IAN MACDONALD, M.P.,
Minister for Primary Industries

Signed 23 June 2004

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning (S03/02434).

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

Clause 1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

2 Commencement

This Policy commences on 1 July 2004.

3 Aim of Policy

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (*the BASIX scheme*) under which:
 - (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
 - (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Building Sustainability Index: BASIX)
2004

Clause 4

4 Definitions

(1) In this Policy:

BASIX affected building has the same meaning as it has in the *Environmental Planning and Assessment Regulation 2000*.

BASIX certificate has the same meaning as it has in the *Environmental Planning and Assessment Regulation 2000*.

BASIX commitment means a commitment set out in a BASIX certificate.

competing provision means a provision:

- (a) that establishes development standards, or
- (b) that requires a consent authority to have regard to, or take into consideration, any matter when considering or determining an application for a development consent, or
- (c) that requires a consent authority to be satisfied as to any matter before it grants a development consent, or
- (d) that requires a consent authority to impose a condition on a development consent, or
- (e) that affects the granting of a development consent, or the conditions on which a development consent is granted,

other than a provision that encourages, or offers incentives for, the adoption of measures beyond those required by provisions of the kind referred to in paragraphs (a)–(e).

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

(2) Notes in this Policy do not form part of this Policy.

5 Land to which Policy applies

This Policy applies to the State.

6 Buildings to which Policy applies

This Policy applies to:

- (a) a proposed BASIX affected building for which the regulations under the Act require a BASIX certificate to accompany an application for a development consent, complying development certificate or construction certificate, and

Clause 7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- (b) a BASIX affected building the subject of a development consent, complying development certificate or construction certificate that, pursuant to the regulations under the Act, is subject to a BASIX commitment.

7 Relationship with other environmental planning instruments

This Policy prevails over any other environmental planning instrument, whenever made, to the extent of any inconsistency.

8 Other environmental planning instruments do not apply to BASIX commitments

The competing provisions of an environmental planning instrument, whenever made, are of no effect to the extent to which they aim:

- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of a building to which this Policy applies or in the use of the land on which such a building is situated, or
- (b) to improve the thermal performance of a building to which this Policy applies.

Note. See, for example, the energy efficiency requirements set out in Schedules 4 and 5 to *State Environmental Planning Policy No 60—Exempt and Complying Development*.

9 Development control plans do not apply to BASIX commitments

The competing provisions of a development control plan under section 72 of the Act, whenever made, are of no effect to the extent to which they aim:

- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of a building to which this Policy applies or in the use of the land on which such a building is situated, or
- (b) to improve the thermal performance of a building to which this Policy applies.

State Environmental Planning Policy (Building Sustainability Index: BASIX)
2004

Clause 10

10 SEPP 1 does not allow departures from BASIX commitments

State Environmental Planning Policy No 1—Development Standards does not apply to a development standard that arises, under the regulations under the Act, in connection with a BASIX commitment for a building to which this Policy applies.

Sydney Regional Environmental Plan No 33—Cooks Cove

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Infrastructure and Planning, make the following regional environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S01/02070/PC)

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

Sydney Regional Environmental Plan No 33—Cooks Cove

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Sydney Regional Environmental Plan No 33—Cooks Cove

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Clause 1 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 1 Preliminary

Sydney Regional Environmental Plan No 33— Cooks Cove

Part 1 Preliminary

1 Name of plan

This plan is *Sydney Regional Environmental Plan No 33—Cooks Cove*.

2 Aims of plan

This plan aims:

- (a) to establish planning principles for the development of land that promote the ecologically sustainable use of the Cooks Cove site, and
- (b) to rezone land at Cooks Cove to encourage trade and technology uses, and to attract global-reach businesses which strengthen Sydney's international competitiveness, and
- (c) to capitalise on the physical proximity of the Cooks Cove site to Sydney International Airport and Port Botany to create trade-focussed development, and
- (d) to facilitate master planning strategies that will promote the orderly development of public open space and trade and technology land uses, and
- (e) to identify appropriate development form and capacity for the Cooks Cove site, and
- (f) to provide open space for a range of recreational uses, and
- (g) to provide for good public access through the Cooks Cove site and along the Cooks River foreshores, and
- (h) to enhance the Botany Bay to Homebush Bay regional cycleway and pedestrian/cycle network, and
- (i) to protect environmentally significant wetlands and the habitat of the endangered Green and Golden Bell Frog, and
- (j) to establish vegetated riparian areas along the Cooks River and Muddy Creek foreshores, and

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 2

Preliminary

Part 1

- (k) to provide vegetated riparian buffers around the Marsh Street, Eve Street, Spring Creek and Landing Lights wetlands.

3 Land to which plan applies

This plan applies to land at Cooks Cove within the suburb of Arncliffe shown edged heavy black on the Zoning Map, which is referred to in this plan as *the Cooks Cove site*.

4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and another environmental planning instrument, whether made before, on or after the date on which this plan was made, this plan prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) *Rockdale Local Environmental Plan 2000* is amended by inserting at the end of clause 5:
 - (3) However, this plan does not apply to land to which *Sydney Regional Environmental Plan No 33—Cooks Cove* applies.

Note. This plan displaces the local environmental plan that would otherwise apply to the Cooks Cove site.

- (3) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting at the end of Schedule 2 (Land excepted from clauses 6–10):

Land to which *Sydney Regional Environmental Plan No 33—Cooks Cove* applies
- (4) To remove any doubt, this plan does not affect the application of *State Environmental Planning Policy No 55—Remediation of Land* to land within the Cooks Cove site.

5 Consent authority

Rockdale City Council is the consent authority for the purposes of this plan, except as provided otherwise by the Act.

6 Definitions

- (1) Certain terms used in this plan are defined in the Dictionary at the end of this plan.
- (2) The list of contents and notes in this plan do not form part of this plan.

Clause 7 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 1 Preliminary

7 Complying and exempt development

- (1) Development listed in Schedule 1 is complying development if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use as defined in section 106 of the Act.
- (2) Development of minimal environmental impact listed in Schedule 2 is exempt development, despite any other provision of this plan but subject to section 76 (3) (a) of the Act.
- (3) Development is complying or exempt development only if it complies with the development standards and other requirements applied to the development in Schedules 1 and 2, respectively.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Part 2 of Schedule 1.

8 Adoption of model provisions

- (1) This plan adopts the *Environmental Planning and Assessment Model Provisions 1980*, except for Part 2 (Definitions) of those provisions.
- (2) For that purpose, references in those provisions to the local environmental plan adopting them are taken to be references to this plan.

9 Savings and transitional provisions

Local environmental plans and deemed environmental planning instruments (including *Rockdale Local Environmental Plan 2000*) apply to development applications lodged but not finally determined before the commencement of this plan as if this plan had been exhibited but had not been made.

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 10

Planning principles

Part 2

Part 2 Planning principles

10 Planning principles for Cooks Cove

Before granting consent to a development application relating to land within the Cooks Cove site, the consent authority must take into consideration the aims of this plan and also be satisfied that the proposed development will be consistent with such of the following planning principles as are relevant to the proposed development:

(a) **Role and land use activities**

Development should be carried out in a manner consistent with the principles of ecologically sustainable development.

Development of the Cooks Cove site is to encourage advanced technology and trade-focussed businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of Cooks Cove to Sydney Airport and Port Botany, and the excellent transport network links to Sydney's CBD and the Advanced Technology Park at Eveleigh.

Transport management planning for the Cooks Cove site should optimise the use of public transport infrastructure, including a regular connection to both the adjacent railway stations at Wolli Creek and Sydney Airport International Terminal.

A vibrant community and safe public domain are to be created through encouraging active frontages along main streets and pedestrian routes.

(b) **Built form**

Building heights and building envelopes are to reflect good urban design principles and the natural attributes of Cooks Cove. Building heights should allow a reasonable sharing of views from buildings, with lower buildings at the foreshore.

Buildings adjacent to the east-west runway approach paths should not interfere with the operation of Sydney Airport.

The height, form and orientation of buildings are to take into account visual impact from both land and water, as well as solar access, ventilation, wind impact, the amenity and privacy of hotel occupants and the need to conserve the habitat of threatened fauna.

Clause 10	Sydney Regional Environmental Plan No 33—Cooks Cove
Part 2	Planning principles

The design of development should promote the public domain with a high quality of amenity and follow design practices that encourage energy conservation and the promotion of public transport.

Development is to provide for a high quality of landscaping and plantings of flora that are endemic to the area or that promote the regeneration of native species.

The depth of excavation for new development should minimise the disturbance of acid sulfate soils.

(c) **Public domain**

Foreshore, significant wetland areas and Green and Golden Bell Frog habitat areas are to be set aside for the maintenance and protection of wetland vegetation, mangrove communities and threatened fauna, with limited public access.

The foreshore is to be publicly accessible, and linked to public areas within and adjoining the Cooks Cove site.

Coordinated pedestrian and cycling networks and public transport services, which link into the regional Bay-to-Bay cycleway are to be provided throughout the Cooks Cove site. Networks are to link with the railway stations, areas adjoining the Cooks Cove site and the foreshore.

(d) **Accessibility, movement and parking**

Transport and traffic should be managed in accordance with a comprehensive plan that provides for the coordinated provision of public transport services and the staging of its provision.

Appropriate urban form, public transport infrastructure and services are to be provided that increase the use of public transport.

Development should accommodate users of all modes of transport, including public transport, cycling and walking.

The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.

A high degree of accessibility is to be provided to places within the Cooks Cove site for both able and disabled persons.

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 10

Planning principles

Part 2

The provision of permanent and temporary parking facilities should be weighted to discourage use of cars and to encourage use of public transport.

(e) **Ecological and heritage issues**

Development within the Cooks Cove site is to make a significant contribution to ecological sustainability through promoting effective utilisation of public transport, reduced energy requirements, and the conservation and enhancement of natural resources.

Water and energy-efficient design criteria are to be promoted and soil erosion and sedimentation control measures implemented during remediation and construction phases.

Riparian areas with estuarine and native vegetation are to be established and maintained for the protection and enhancement of the Cooks River estuary and remaining natural areas.

Development should not have adverse impacts on the water quality of the Cooks River, Muddy Creek or wetlands.

The significant wetlands within the Cooks Cove site and along the foreshores of Cooks Cove are to be conserved, and the strategy for conservation is to include:

- (i) establishing adequate vegetated riparian buffers around the significant wetlands, including the Spring Street, Eve Street and Landing Lights wetlands, and
- (ii) establishing adequate vegetated corridors between Cooks River and Muddy Creek and the wetlands, and
- (iii) promoting the on-site recovery of the Green and Golden Bell Frog.

Conservation of the market garden within the Cooks Cove site is to be promoted.

Clause 11 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 3 General land use controls

Part 3 General land use controls

11 Land use zones and explanation

- (1) Land within the Cooks Cove site is within one of the following zones as shown on the Zoning Map:

Trade and Technology Zone

Special Uses Zone

Open Space Zone

- (2) The following Table shows, for land within a zone:
- (a) the objectives of the zone, and
 - (b) the development that may be carried out without development consent, and
 - (c) the development that may be carried out only with development consent, and
 - (d) the development that is prohibited.
- (3) Consent may be granted for development within a zone only if the consent authority is satisfied that the proposed development will achieve one or more of the stated objectives of the zone that are relevant to the proposed development.

Table

Trade and Technology Zone

1 Objectives

The objectives of this zone are:

- (a) to encourage economic activity and trade-focussed businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport and Port Botany, and the excellent transport network links to Sydney's CBD and the Advanced Technology Park at Eveleigh, and

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 11

General land use controls

Part 3

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- (b) to promote the establishment of enterprises that create advanced technology or that manufacture products that utilise advanced technology, and
 - (c) to promote export and other trade-related enterprises that are associated with trade logistics and distribution, just-in-time supply, the movement of perishables, time-sensitive goods processing, and the management of air and sea commerce, and
 - (d) to provide facilities for the workforce by allowing a limited range of ancillary, retail and recreational uses that are ancillary and provide support to the dominant functions within the zone.

2 Development that is allowed

Exempt development and development for the purpose of the following may be carried out **without development consent**:

landscape maintenance works (including tree planting, repaving and replacement of street furniture); public utility undertakings.

Development for the purpose of the following and subdivision of land may be carried out **only with development consent**:

advanced technology businesses; aids to navigation; car parks and car parking stations (if their only use is ordinarily incidental to other uses allowed within the zone); child care centres; clubs; commercial support premises; community facilities; drainage; educational establishments; hotels; light industries; medical centres; motels; offices ancillary to trade-related enterprises; open space; passenger transport terminals; public transport infrastructure (not including car parks or car parking stations); recreation areas; recreation facilities; remediation of land; restaurants; roads; service stations; serviced apartments; shops; tourist facilities; trade-related enterprises; vehicle rental centres; warehouses.

Clause 11 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 3 General land use controls

3 Prohibited development

Any development not listed in item 2.

Special Uses Zone

1 Objectives

The objectives of this zone are:

- (a) to accommodate existing special uses, including the South West Sydney Ocean Outfall Sewer and M5 corridor, and
- (b) to provide for the development of a transport corridor by the Roads and Traffic Authority or for other public transport infrastructure.

2 Development that is allowed

Exempt development and development for the purpose of the following may be carried out **without development consent**:

aids to navigation; public utility undertakings.

Development for the purpose of the following and subdivision of land may be carried out **only with development consent**:

drainage; public transport infrastructure; recreation areas; remediation of land; roads.

3 Prohibited development

Any development not listed in item 2.

Open Space Zone

1 Objectives

The objectives of this zone are:

- (a) to provide for active sporting and recreational land uses and club facilities, and
- (b) to provide public access along the Cooks River and Muddy Creek foreshores, and

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 11

General land use controls

Part 3

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- (c) to protect significant wetland areas within the Cooks Cove site and along the Cooks River foreshores, and
 - (d) to provide for facilities that are ancillary to the recreational use of public open space, and
 - (e) to provide vegetated riparian areas to enhance biological connectivity along the Cooks River and Muddy Creek foreshores,
 - (f) to protect and enhance the habitat of the Green and Golden Bell Frog established within Cooks Cove.

2 Development that is allowed

Exempt development and development for the purpose of the following may be carried out **without development consent**:

aids to navigation; gardening; landscape maintenance works (including tree planting, repaving and replacement of street furniture); other maintenance works; public utility undertakings.

Development for the purpose of the following and subdivision of land may be carried out **only with development consent**:

artworks; boat landing and hire facilities; boat ramps and berths; car parks; clubs; community facilities; drainage; identifying or interpretive signage ancillary to another use allowed on the site; kiosks; landscaping (except landscape maintenance works); outdoor eating areas (if linked to kiosks within the zone or restaurants in adjoining zones); recreation areas; recreation facilities; remediation of land; roads; other land uses incidental or ancillary to the land uses lawfully carried out within the zone at the commencement of this plan.

3 Prohibited development

Any development not listed in item 2.

Clause 12 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

Part 4 Special provisions

12 Subdivision and demolition

- (1) Land within the Cooks Cove site may be subdivided, but only with development consent.
- (2) Buildings or works on land within the Cooks Cove site may be demolished, but only with development consent.

13 Infrastructure provision

- (1) Consent must not be granted to development of land within the Cooks Cove site until the Director-General has approved a comprehensive transport management plan after being satisfied that the following have agreed to the strategies of that management plan:
 - (a) the Roads and Traffic Authority,
 - (b) the Ministry of Transport,
 - (c) the State Rail Authority,
 - (d) the State Transit Authority.
- (2) The strategies of the transport management plan are to be aimed at:
 - (a) optimising the public transport mode split for people who will visit or work on, or otherwise use, the Cooks Cove site, and
 - (b) providing for an adequate public bus service for people who will visit or work on, or otherwise use, the Cooks Cove site, and
 - (c) establishing roads and related infrastructure of a standard adequate to provide public and private vehicular transport access to, and egress from, the Cooks Cove site from and to other land within the region, and
 - (d) providing temporary and permanent parking facilities that are timed and number-weighted to discourage use of cars and to encourage the shift to use of public transport.
- (3) Before approving the transport management plan, the Director-General must take into consideration the views of:
 - (a) the Council, Roads and Traffic Authority, Ministry of Transport, State Rail Authority and State Transit Authority, and

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 13

Special provisions

Part 4

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- (b) any other public authority that the Director-General considers relevant.

14 Master plan

(1) **Requirement for master plan**

Consent must not be granted for development of land within the Cooks Cove site unless:

- (a) there is a master plan for the land that has been adopted by the Minister, and
- (b) the consent authority has taken the master plan into consideration.

(2) **Scope of master plans**

A draft master plan should be prepared for the whole of the Cooks Cove site in consultation with the Director-General.

- (3) Despite subclause (2), a master plan for land within the Trade and Technology Zone may be prepared separately from a master plan for the remainder of the Cooks Cove site.

(4) **Content of master plan**

A draft master plan should illustrate and explain such of the following as are relevant to the land to which it applies:

- (a) appropriate design principles, drawn from an analysis of the land to which the draft plan applies and its context,
- (b) an indicative phasing of development,
- (c) a proposed distribution of land uses,
- (d) if it relates to land within the Trade and Technology Zone, proposals for satisfying the principles of good urban design in setting building envelopes, building heights and built form controls,
- (e) appropriate height limits for development adjacent to Sydney Airport,
- (f) if it relates to land within the Open Space Zone, a golf course layout plan, showing proposed locations for golf course fairways and player travel paths in relation to the wetlands and market gardens,
- (g) a landscape concept plan, showing proposed public access paths through the site and along the foreshores,

Clause 14 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

- (h) a proposed transport management plan, outlining a proposed timetable for infrastructure provision and servicing arrangements,
 - (i) proposals for pedestrian, cycle and road access and circulation networks,
 - (j) proposed public transport routes and bus stop provision,
 - (k) proposed parking provision,
 - (l) a proposed subdivision pattern,
 - (m) proposed infrastructure provision,
 - (n) proposals for conservation, including an explanation of how any relevant guidelines or recommendations set out in a conservation management plan or statement of heritage impact approved by the Heritage Council of New South Wales may be implemented,
 - (o) proposals for the decontamination and remediation of sites,
 - (p) proposals for the provision of public facilities,
 - (q) recommendations for the provision of open space, its function and landscaping,
 - (r) any other matters stipulated by the Director-General.
- (5) **Adoption of master plan**
A master plan is adopted by completing the following steps:
- (a) A draft master plan is to be submitted to the Director-General who must arrange for it to be publicly exhibited for comment.
 - (b) Before recommending that the Minister adopt or reject a draft master plan, the Director-General must take into consideration the appropriateness of the draft master plan's strategies, whether it complies with subclause (4), and any written submissions made about it to the Director-General during the period of its public exhibition.
 - (c) The Director-General may recommend that a draft master plan be adopted by the Minister without variations or that it be adopted with such variations as the Director-General considers appropriate.
 - (d) The Minister must seek the views of the Council about the draft master plan before the Minister adopts or rejects it.

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 14

Special provisions

Part 4

- (e) A draft master plan becomes a master plan when the Minister adopts it.
- (6) When a master plan is adopted, the Director-General must ensure that the following are notified of its adoption:
 - (a) the owner of the land concerned,
 - (b) each public authority and community organisation whose views were sought,
 - (c) each person who made a written submission about the plan to the Director-General during the exhibition period.
- (7) **Amendment or repeal of master plan**
The following provisions apply to amendment or repeal of a master plan:
 - (a) An adopted master plan may be amended or repealed by a subsequent master plan adopted by the Minister in accordance with this clause.
 - (b) Before adopting an amending master plan, the Minister must take into consideration any development consents that have been granted for the land concerned and, in particular, the gross floor area of buildings on which a trade or technology use is allowed by those consents.

15 Floor area controls

- (1) Consent must not be granted for development of land within the Trade and Technology Zone that would result in the following:
 - (a) a total of more than of 270,000 square metres of gross floor area (whether in one or more buildings) being created within that zone,
 - (b) a total of more than 5,000 square metres of leasable floor space within that zone (whether in one or more buildings, but excluding public access areas such as arcades and amenities, general loading docks and car parking areas) being used exclusively for the purpose of commercial support premises, shops and restaurants,
 - (c) a total of more than 15,000 square metres of leasable floor space within that zone (whether in one or more buildings, but excluding public access areas such as arcades and amenities, general loading docks and car parking areas) being used exclusively for the purpose of hotels or serviced apartments,

Clause 15 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

- (d) a total of more than 5,000 square metres of leasable floor space within that zone (whether in one or more buildings) being used exclusively for the purpose of serviced offices, being offices the use of which is not ancillary to another lawful land use and that are hired on a casual basis.
- (2) Consent must not be granted for development of land within the Trade and Technology Zone that would result in:
 - (a) less than one quarter of the total gross floor area within that zone being developed for the purpose of trade-related enterprises, or
 - (b) less than one quarter of the total gross floor area within that zone being developed for the purpose of advanced technology businesses.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to a requirement made by subclause (1) or (2).

16 Height of buildings

- (1) A building within the Cooks Cove site must not exceed 6 storeys.
- (2) However:
 - (a) a building within 120 metres of the Cooks River must not exceed 5 storeys, and
 - (b) subject to paragraph (a), one building on land within the Trade and Technology Zone that is situated no closer than 10 metres from the zone boundary may have a height that does not exceed 11 storeys.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to a requirement made by subclause (1) or (2).

17 Environmental management—management plans

- (1) Consent must not be granted for any development on land within the Cooks Cove site until after the consent authority has taken into consideration:
 - (a) a wetlands environmental management plan that has been served on the Director-General of the Department of Environment and Conservation, Director-General of NSW Fisheries, Director-General of the Department of Infrastructure,

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 17

Special provisions

Part 4

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- Planning and Natural Resources and Secretary of the Department of the Environment and Heritage of the Commonwealth and any written comments made to the consent authority about that plan by any of those persons within 40 days after the date of service on the person, and
- (b) a soil and water management plan that has been served on the same persons and any written comments made to the consent authority about that plan by any of those persons within 40 days after the date of service on the person, and
 - (c) a Green and Golden Bell Frog management plan that has been served on the Director-General of the Department of Environment and Conservation, which identifies areas of its habitat and outlines proposals for mechanisms to be introduced to create, enhance and manage habitat areas for the species, and any written comments made to the consent authority about that plan by that Director-General within 40 days after the date of service.
- (2) In addition, consent must not be granted for any development on land within the Cooks Cove site until after the wetlands environmental management plan and the soil and water management plan:
- (a) have been publicly exhibited with a request for comments within a specified time, and
 - (b) the consent authority has taken into consideration any written comments made to the consent authority about those plans during that specified time.
- (3) The wetlands environmental management plan must include a description of the location of existing and proposed wetlands, including areas considered to be significant, and proposals about the following:
- (a) implementation of wetlands environmental management principles,
 - (b) protection of threatened species, populations and ecological communities,
 - (c) protection of aquatic and fish nursery habitats,
 - (d) protection of migrating bird populations and their habitats,
 - (e) the interrelationship of the golf course and any buffer or treatment required to prevent or reduce run-off and nutrient loads from the fairways entering the wetlands,

Clause 17 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

- (f) the impact of the proposed development on tidal flows inundating the wetlands,
 - (g) the impact of the development on the ecological significance of the Cooks River and Muddy Creek and the wetlands within the site,
 - (h) measures to minimise adverse environmental impacts of development, including the provision of:
 - (i) compensatory wetland habitats, and
 - (ii) vegetated riparian buffers around wetlands to mitigate the impact of human disturbance on native fauna, and
 - (iii) vegetated riparian buffers around wetlands to enhance appropriate terrestrial habitat,
 - (i) establishment in riparian areas of appropriate local native plant species propagated, where possible, from locally genetic stock.
- (4) The soil and water management plan must address the following:
- (a) the likely impacts of development on water quality during and after construction,
 - (b) the utilisation of effective erosion and sediment control measures in accordance with the State government guidelines entitled *Managing urban stormwater: soils and construction* (Department of Housing, 3rd ed., 1998) and consistently with any relevant industry standards, especially in relation to the golf course construction and operation,
 - (c) the recommendations of the Green and Golden Bell Frog management plan and the wetlands environmental management plan.
- (5) The Green and Golden Bell Frog management plan must identify the location of existing and proposed Green and Golden Bell Frog habitats, including areas considered to be significant, and include proposals covering the following:
- (a) protection of the Green and Golden Bell Frog,
 - (b) protection of the Green and Golden Bell Frog habitat,
 - (c) how existing and proposed wetlands relate to protection of the Green and Golden Bell Frog and its habitat,
 - (d) how stormwater management processes relate to protection of the Green and Golden Bell Frog and its habitat,

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 17

Special provisions

Part 4

- (e) how development and management of the golf course and open space areas, management of public access and proposed development within the Trade and Technology Zone relate to protection of the Green and Golden Bell Frog and its habitat,
- (f) management of the direct and indirect impacts of the proposed development on the protection of the Green and Golden Bell Frog and its habitat,
- (g) measures to mitigate adverse environmental impacts of the proposed development, including habitat enhancement and the provision of compensatory habitat for the Green and Golden Bell Frog,
- (h) measures to appropriately manage habitat areas in both the short and long term.

18 Environmental management—special requirements

Before granting consent to proposed development, the consent authority must, to the extent (if any) to which the following are relevant to the proposed development, be satisfied that:

- (a) use of the Cooks Cove site will incorporate stormwater management measures that will result in an overall improvement to the quality of water entering Muddy Creek and the Cooks River from the Cooks Cove site, especially in relation to the golf course construction and operation, and
- (b) water usage on, and the importation of potable water on to, the Cooks Cove site will be minimised, especially in relation to the golf course operations. (The consent authority is to prefer the use of recycled or non-potable sources for golf course watering.), and
- (c) proposed development is designed and carried out so as to ensure that there will be minimal impact on the water table level and that adverse salinity impacts will not result, and
- (d) drainage lines within the Open Space Zone will be constructed and vegetated so that they approximate as natural a state as possible (If the proposed development involves modification of existing drainage lines to accommodate increased stormwater run-off from urban areas, this should be done in a manner that maximises the conservation of indigenous flora in and around the drainage lines.), and

Clause 18 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

- (e) the proposed development will be carried out in a manner that minimises flood risk to both people and property, but has due regard to environmental considerations, and
- (f) changes in local flow regimes due to development will be minimised, and
- (g) gross pollutant traps will be planned as components of a comprehensive stormwater treatment plan, will be located outside the riparian areas, and will treat water prior to its discharge into riparian areas and watercourses so as to arrest sediment and litter, so that there is no increase in sediment and litter entering the Cooks River or Muddy Creek as a result of development.

19 Development of flood prone land

- (1) This clause applies to land in the vicinity of the Cooks River and Muddy Creek defined as *flood prone land* in the latest appropriate study adopted by the consent authority for the purposes of this clause.
- (2) Before granting consent for development of land to which this clause applies, the consent authority must consider:
 - (a) the impact of the proposed development on flood flows and whether any compensatory works should be provided, and
 - (b) if land filling is involved, whether any compensatory flood storage or other flood mitigation works should be provided, and
 - (c) the impact of the development on the ecological significance of the Cooks River and Muddy Creek and their wetlands and measures that can minimise any adverse impact, such as the provision of compensatory wetland habitats.

20 Management of open space

Prior to the granting of consent for any development within the Open Space Zone, the consent authority must consider a plan of management prepared under the provisions of the *Crown Lands Act 1989* for all land zoned Open Space or proposed to be accessible to the public within the Cooks Cove site.

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 21

Special provisions

Part 4

21 Development of land near Sydney Airport runways

Consent must not be granted to any proposed development on land within the Cooks Cove site if it is of a kind regulated by the Commonwealth *Civil Aviation (Buildings Control) Regulations 1988* or *Airports (Protection of Airspace) Regulations 1996* unless a copy of the development application has been referred to Sydney Airports Corporation Limited.

22 Heritage protection

- (1) Heritage items are identified in Schedule 3.
- (2) Consent must not be granted for development of, or in the vicinity of, a heritage item unless the consent authority has made an assessment of:
 - (a) the effect the carrying out of that development will have on the heritage significance of the item and its setting, and
 - (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, archaeological, architectural, natural or aesthetic significance of the item and its site, and
 - (c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained.
- (3) A person must not, in respect of a building, place, work or relic that is a heritage item:
 - (a) demolish, alter, renovate or extend the item, or
 - (b) damage or despoil the item or any part of the item, or
 - (c) excavate any land for the purpose of exposing or removing the item, or
 - (d) erect a building on the land on which the building, work or relic is situated or the land that comprises the place, or
 - (e) subdivide the land on which the building, work or relic is situated or the land that comprises the place,except with the consent of the consent authority.

Clause 22 Sydney Regional Environmental Plan No 33—Cooks Cove

Part 4 Special provisions

- (4) The consent authority may grant consent to development involving the excavation or filling of land, or the erection (involving disturbance of land) or demolition of buildings on land, where the land is the site of a heritage item that is of non-Aboriginal heritage significance, only if it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.

23 Acid sulfate soils

- (1) Development that is likely to result in the disturbance of more than one tonne of soil or to lower the water table in areas where acid sulfate soils exist may be carried out only with development consent despite the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan.
- (2) Before granting a consent required by this clause, the consent authority must consider:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines (ASSAG)*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid waters, and
 - (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 21 days (or, if integrated development, 40 days) of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.
- (3) This clause requires consent for development to be carried out despite clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

24 Acquisition of land zoned Special Uses

- (1) The owner of land within the Special Uses Zone may, by notice in writing served on the Roads and Traffic Authority (*the RTA*), require the RTA to acquire the land.
- (2) On receipt of the notice, the RTA is to acquire the land.

Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 24

Special provisions

Part 4

(3) Subclause (2) does not apply if:

- (a) the land might reasonably be required to be dedicated as a condition of development consent pursuant to Division 6 of Part 4 of the Act, or
- (b) the land is held by a public authority for use for public roads or public transport.

25 Additional documentation for development in Trade and Technology Zone

- (1) Consent must not be granted for development within the Trade and Technology Zone unless the consent authority has taken into consideration a written statement substantiating how the proposed development will achieve one or more of the stated objectives of the zone that are relevant to the proposed development.
- (2) Subclause (1) does not apply if, in the opinion of the consent authority, the development proposed is minor in nature or would not significantly affect the achievement of a zone objective.

Sydney Regional Environmental Plan No 33—Cooks Cove

Schedule 1 Complying development

Schedule 1 Complying development

(Clause 7)

Part 1 Instances of complying development

Development listed in this Part is complying development, but only if:

- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (b) it does not contravene any condition of a development consent applying to the land, and
- (c) it meets the outcomes specified for it in this Part.

Development	Outcomes
<p>1 Different building uses; carrying out of building alterations</p> <ul style="list-style-type: none"> • A non-prohibited use of a building as an office or a shop resulting from a change of a lawful use of the building as a shop or an office • Internal alterations to buildings being lawfully used for shops or offices, if the alterations do not increase the total floor area of the building • Non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work • Interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building 	<p>No increase to the total floor area of the building</p> <p>No more than 500 square metres of floor area are changed from an office to a shop</p> <p>No increase in total permissible floor area for shops within the precinct</p>

Sydney Regional Environmental Plan No 33—Cooks Cove

Complying development

Schedule 1

Development	Outcomes
<p>2 Subdivision That enables implementation of an adopted master plan and will not result in any building contravening the deemed-to-satisfy provisions of the <i>Building Code of Australia</i></p>	<p>The subdivision must achieve one or more of the following only:</p> <ul style="list-style-type: none"> • widening of a public road • an adjustment of a boundary between lots that does not result in an increased number of lots • correcting an encroachment on a lot • consolidating lots
<p>3 Temporary buildings The erection of a building and its use for a period not exceeding 3 years specified in the application for a complying development certificate, being a building that is not used for the storage or handling of inflammable materials</p>	<p>Maximum height of the building is 1 storey</p> <p>Building is set back from every boundary of the lot by a minimum of 3 metres</p>

Part 2 Complying development certificate conditions

1 Before you begin work

- (1) Two days before any site works, building or demolition begins, the applicant must:
 - (a) forward a Notice of Commencement of Work and Appointment of Principal Certifying Authority to the Council, and
 - (b) notify the adjoining owners that work will commence.
- (2) Before any site works, building or demolition begins, the applicant must:
 - (a) notify the consent authority of the name, address, phone number and licence number of the builder, and
 - (b) erect a sign at the front of the property with the builder's name, licence number and site address and the number of the certificate of compliance, and
 - (c) provide a temporary on-site toilet, and
 - (d) protect and support any neighbouring buildings, and

Sydney Regional Environmental Plan No 33—Cooks Cove

Schedule 1 Complying development

- (e) protect any public place from obstruction or inconvenience due to the carrying out of the development, and
 - (f) prevent any substance from falling onto a public place, and
 - (g) follow any other conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*.
- (3) This item does not impose a requirement on an applicant if the builder complies with it.

2 Inspections during construction

The applicant must notify either the Council or an accredited certifier in advance (at least 48 hours in advance in writing or 24 hours by phone) of the time to inspect the following:

- (a) erosion controls, site works and site setout, before building starts,
- (b) placement of piers or foundation before placing footings, and steel reinforcing before pouring concrete,
- (c) framework of structure before lining or cladding is fixed,
- (d) stormwater drainage and on-site detention before backfilling,
- (e) wet areas treated before lining or tiling.

3 Hours of work

Any building work must be carried out between 7.00 am and 6.00 pm on Monday to Friday and 8.00 am to 5.00 pm on Saturday, but not on Sundays or public holidays.

4 Survey certificate

A survey certificate must be given to the principal certifying authority at the following stages:

- (a) on completion of the floor slab framework before concrete is poured, detailing the location of the structure to the boundaries,
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate (and the levels must relate to the datum shown on the certificate).

Sydney Regional Environmental Plan No 33—Cooks Cove

Exempt development

Schedule 2

Schedule 2 Exempt development

(Clause 7)

The development listed in this Schedule is exempt development, but only if any structure erected or altered as a consequence of the development:

- (a) will comply with the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) will not obstruct drainage of the site, and
- (c) will not restrict any vehicular or pedestrian access to or from the site, and
- (d) will be at least 1 metre from any easement or public sewer main, and
- (e) will not require a tree to be removed, and
- (f) will comply with the recommendations of the Green and Golden Bell Frog management plan and the wetlands environmental management plan.

1 Advertising structures and displays

Erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure, in any of the following cases:

- (a) The advertisement and any structure are not visible from outside the site on which they are displayed.
- (b) The advertisement is behind the glass line of a shop window.
- (c) The advertisement is a temporary advertisement for a social, cultural or recreational event that is displayed no more than 28 days before the event and is removed within 14 days after the event.
- (d) The advertisement is a public notice displayed by a public authority giving information about a service.
- (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure together have a maximum area of 4.5 square metres in the Trade and Technology Zone.
- (f) The advertisement replaces one lawfully displayed on the same structure.
- (g) The advertisement displays a message relating to the premises on which it is situated and the advertisement and the structure (if any) together have a maximum area of:

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Sydney Regional Environmental Plan No 33—Cooks Cove

Schedule 2 Exempt development

- (i) 30% of the front elevation of any building on which it is displayed in the Trade and Technology Zone, and
- (ii) a maximum height of either 4.6 metres above ground level or the height of a first floor window sill and, if suspended from an awning along a public road, the advertisement is not lower than 2.6 metres above ground level.

2 Ancillary development

Development (such as landscaping, gardening, paving or the erection of minor structures) that is ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Act), but only if:

- (a) any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level, and
- (b) any ancillary structure, paving or hard surface area covers not more than 25 square metres, and
- (c) the development does not involve excavation beyond 600 millimetres below natural ground level, and
- (d) it does not involve handling, storing or using hazardous chemicals or materials and does not release hazardous chemicals or any pollutants into the environment, and
- (e) it does not involve a display of an advertisement.

3 Demolition

Demolition, that is carried out in accordance with AS 2601—2001, *Demolition of structures*, of:

- (a) any structure the erection of which is identified as being exempt development by this plan, or
- (b) a structure covering an area of not more than 25 square metres.

4 Fences

Erection of boundary fences that comply with any relevant covenant and Council policy and:

- (a) are no more than 1.8 metres high if located behind the building line, but do not include any masonry construction over 900 millimetres above ground level, or

Sydney Regional Environmental Plan No 33—Cooks Cove

Exempt development

Schedule 2

- (b) are no more than 900 millimetres high if forward of the building line.

5 Flagpoles

Erection of flagpoles not more than 6 metres high that are structurally adequate, but only one per site.

Sydney Regional Environmental Plan No 33—Cooks Cove

Schedule 3 Heritage items

Schedule 3 Heritage items

(Clause 22 and Dictionary)

212 West Botany Street, Banksia Lot 1, DP 514811 Market garden

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

Dictionary

(Clause 6 (1))

advanced technology business means research and development or a business or activity that consists of, or is directly related to, the carrying out of research into, the manufacture, improvement, production, processing, assembly, marketing or sale of, or the provision of information services about or of other product or administrative support services related to, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software or hardware,
- (c) instrumentation or instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) telecommunications services, systems or components,
- (f) other goods, systems or components intended for use in science and technology,
- (g) advanced technology relating to the provision or distribution of energy,
- (h) technology promoting ecologically sustainable practices, such as remediation of land.

advertising structure has the same meaning as in the Act.

alter, in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, building or work,
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

child care centre means a building or place used for educating, minding or caring for children, that caters for six or more children, but does not include an educational establishment.

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

club means a building or place that is used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes and that is or is intended to be registered under the *Registered Clubs Act 1976*.

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

commercial support premises means a building or place used as an office or for other business or commercial purposes such as a bank, building society or other building or a place in which business-orientated support services, such as photocopying, office services and supplies are provided.

community facility means a building or place owned or controlled by the Council, a public authority or a religious organisation, or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, and used for a community purpose or for the purposes of the organisation concerned.

complying development is identified in clause 7.

conservation management plan means a document, approved by the New South Wales Heritage Council, including diagrams, establishing the heritage significance of a heritage item and identifying the conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

contaminated land has the same meaning as in Part 7A of the Act.

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

development has the same meaning as in the Act.

Director-General has the same meaning as in the Act.

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

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

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

exempt development is identified in clause 7.

flood prone land means land that is susceptible to flooding by a 1% Annual Exceedance Probability flood event.

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the inner face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, shade devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and associated plant rooms, and ancillary storage space and vertical air conditioning ducts, and
- (c) such car, coach and bicycle parking as is required to comply with any development control plan and any internal access to that parking, and
- (d) space for the loading and unloading of goods, and any waste management areas, and
- (e) common or public areas, including arcades and circulation space.

heritage impact statement means a statement which identifies the heritage significance of a heritage item or conservation area, assesses the impact that proposed development will have on this significance and details the measures proposed to minimise this impact.

heritage item means a building, work, relic, tree or place identified as a heritage item and described in Schedule 3.

heritage significance means historic, scientific, cultural, social, archaeological, natural or aesthetic significance.

hotel means premises, licensed under the *Liquor Act 1982* to sell liquor, that provide accommodation for guests which is rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*.

kiosk means a structure used for the provision of food and drink for the refreshment of users of the open space in which it is situated. The use must not be the dominant use of the open space.

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

leasable floor space of a building means the gross floor area of the building, excluding public access areas such as arcades and amenities, general loading docks and car parking areas.

map means a map deposited in the office of the Department, a copy of which is deposited in the office of the Council.

master plan means a master plan adopted by the Minister under clause 14.

medical centre means a building or place used for the purpose of providing professional health care services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

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

motel means a building (other than a boarding house or serviced apartments) primarily used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building is also used for the provision of meals to those travellers or the general public.

passenger transport terminal means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, and includes any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle used to provide a passenger transport service.

place of assembly means a building or place used for functions, conferences, theatre, cinema, concerts, dances or any other similar thing, whether it is used for the purpose of gain or not, but does not include a place of public worship or an educational establishment.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, instruction or religious training.

public transport facility means a building or place used for the purpose of providing passenger transport facilities to the general public, whether or not those facilities are provided by a public authority.

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

public utility undertaking means any services or facilities carried on by, or under the authority of, any Commonwealth or State government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of providing:

- (a) railway, light railway, road, water or air transport or facilities, or wharf or river services or facilities, or
- (b) sewerage or drainage services, or
- (c) water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities, or
- (c) an area used to provide for the physical, cultural or intellectual welfare of the community,

but does not include racecourses or showgrounds.

recreation facility means a building or place used exclusively for sporting or leisure activities, whether operating for the purpose of gain or not.

remediation of land means:

- (a) removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or
- (b) eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals onto the land).

research and development means activities carried out on a commercial basis that are aimed at advancing scientific knowledge for the purpose of applying it in an industry or aimed at creating new or improved materials, products, devices, processes or services (or at both advancing scientific knowledge for that purpose and creating any of those things), but only if the activities concerned:

- (a) meet the research and development criteria of the Industry Research and Development Board of the Commonwealth for the purposes of a taxation concession under the *Income Tax Assessment Act 1936* of the Commonwealth, or
- (b) are being funded wholly or partly by a Commonwealth or State government research and development grant.

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

restaurant means a building or place used for the provision of food or drink (or both), whether or not for consumption on the premises, or for takeaway.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing and servicing of motor vehicles (other than repairing or servicing involving body building, panel beating or spray painting).

serviced apartment means a self-contained dwelling (in a building containing three or more self-contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and which provides short-term accommodation for persons who have their principal place of residence elsewhere, but does not include a backpackers' hostel, boarding house, bed and breakfast establishment or private hotel.

shop means a building or place used for selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Dictionary.

storey means:

- (a) the space between two floors, or
- (b) the space between any floor and its ceiling or roof above, or
- (c) building foundation areas, garages, workshops, storerooms and the like, where the height between finished ground level and the top of the floor above is 1.5 metres or more.

A storey that exceeds 4 metres in height (otherwise than in an entry foyer or a part of the building used for exhibition space) is counted as two storeys, except in the case of a warehouse.

subdivision of land has the same meaning as in the Act.

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

the Cooks Cove site means the land to which this plan applies.

Sydney Regional Environmental Plan No 33—Cooks Cove

Dictionary

the Council means Rockdale City Council.

tourist facility means an establishment providing holiday accommodation, convention or exhibition facilities, or both, and may include:

- (a) hotels, motels or serviced apartments, and
- (b) conference, convention or trade exhibition facilities, and
- (c) restaurants and function rooms.

trade-related enterprise means a business or government activity directly related to the carrying out of air, land or sea commerce, air passenger services or other trade, including the import or export of advanced technology goods or services, trade-related warehousing, customs agencies, freight forwarding, trade logistics and distribution, and time-sensitive goods processing.

wetlands means either naturally occurring or constructed areas that support wetland vegetation or fauna.

vehicle rental centre means a building or premises used to rent out vehicles and service those vehicles.

Zoning Map means the map marked “Sydney Regional Environmental Plan No 33—Cooks Cove—Zoning Map”.



New South Wales

Camden Local Environmental Plan No 117—Elderslie Release Area

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*. (P99/00073/PC)

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Camden Local Environmental Plan No 117—Elderslie Release Area

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Camden Local Environmental Plan No 117—Elderslie Release Area

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Clause 1 Camden Local Environmental Plan No 117—Elderslie Release Area
Part 1 Preliminary

Camden Local Environmental Plan No 117—Elderslie Release Area

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of plan

This plan is *Camden Local Environmental Plan No 117—Elderslie Release Area*.

2 Land to which plan applies

This plan applies to land in the local government area of Camden shown edged heavy black on the Zoning Map.

3 Statement of desired future character

- (1) Development of the Elderslie Release Area will be in the form of an urban village, adjoining and connected to the existing suburban development in Elderslie and Narellan. The village will consist of a variety of housing forms, in landscaped garden and natural settings and a small village centre.
- (2) The new suburban area shall integrate with the existing Elderslie and Narellan communities and with Kirkham Park by suitable low level road, pedestrian and cycle links. Internally, the subdivision pattern will promote accessibility by pedestrians and cyclists. The areas of higher residential densities will be located close to the public transport corridors and in close proximity to the local commercial and educational facilities and the open space corridors.
- (3) The urban village will be serviced by local and regional public transport services that provide a viable alternative to private vehicles. The Camden Valley Way—Camden By-pass link road will facilitate improved access to the Camden By-pass and form a natural extension linking with the Macarthur Centre.

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 4

Preliminary

Part 1

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- (4) The visually and culturally significant “Rheinberger’s Hill”, the main gateway to Camden from the north, shall remain as a visually prominent rural landscape. Housing shall not encroach on to Rheinberger’s Hill. Large lot housing may be sympathetically located behind the hill to the east of the saddle in the ridgeline. It shall be of a density that provides a transition from the Studley Park Golf Course to the suburban housing area. Studley Park and Rheinberger’s Hill will form a significant open space break between Narellan and Elderslie.
 - (5) Hilder Street and Lodges Road continue to provide evidence of the historic development of the area. While land in the vicinity of these roads will undergo development and change, the alignment of the roads shall be maintained.
 - (6) Visually and ecologically significant vegetated areas shall be preserved, by inclusion in the open space network, based principally on the creeklines as significant biological corridors.
 - (7) District views and view corridors between historic items and culturally significant places shall be preserved.
 - (8) Stormwater management shall be ecologically sustainable by using local control measures, which will relate strongly to the creekline corridors.

4 Aims and objectives

- (1) The aims of this plan are:
 - (a) to rezone the area to which the plan applies to allow for its urban development, and
 - (b) to require that, prior to the subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of regional transport infrastructure, and
 - (c) to describe the desired future character of the locality and set out the zones and development controls necessary to ensure that the development of the land achieves that desired future character and complements and supports the suburban and historic rural character of the Camden area, and
 - (d) to ensure that the housing, accessibility and social needs of the growing Camden community are provided for, and

Clause 4 Camden Local Environmental Plan No 117—Elderslie Release Area
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- (e) to protect the local environment, particularly in relation to air and water quality in the southwestern Sydney region, by promoting the implementation of ecologically sustainable development practices, and
 - (f) to introduce a range of heritage conservation provisions for the land and to provide for protection of potential heritage items, archaeological sites and significant views.
- (2) The objectives of this plan are:
- (a) to facilitate achievement of the desired future character of the locality by providing for development which:
 - (i) recognises and promotes the distinctive character, ecological value, heritage significance, visual and landscape values and amenity of the locality, and
 - (ii) preserves, where possible, the natural features of the Elderslie Release Area, such as pockets of remnant bushland, creek corridors, hill tops and ridge lines and fosters provision of vegetated corridors for biodiversity and migration purposes, and
 - (iii) encourages innovative and efficient forms of housing and patterns of residential subdivision, with densities that support and facilitate a viable public transport service, and
 - (iv) is designed, sited and is of a scale and form that retains identified view corridors between significant historic sites, from Camden Valley Way, Camden By-pass and from public places, and
 - (v) encourages high quality design that will provide a pleasant living environment, and
 - (vi) integrates with the adjoining residential communities, particularly in terms of connectivity and accessibility, and
 - (vii) addresses the community's regional transport needs by requiring that satisfactory arrangements for regional transport infrastructure are in place before land may be subdivided into lots of less than 40 hectares for residential uses, and
 - (viii) permits a range of activities suitable for the Elderslie Release Area, and

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Part 1

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- (ix) allows residents to carry out a reasonable range of activities from their homes, without affecting the living environment of neighbours, and
 - (b) to address the community's housing needs by:
 - (i) providing a range of lot sizes and housing forms, and
 - (ii) providing housing forms which cater for various groups within the community, including socially and physically disadvantaged people, smaller households of unrelated persons, and older persons, and
 - (iii) increasing the density of residential development near commercial and community facilities, where satisfactory transport services are available or, over time, will be provided, and
 - (iv) ensuring satisfactory acoustic amenity, and
 - (c) to protect the local ecology and promote biodiversity by:
 - (i) identifying those areas containing existing endangered vegetation communities and setting out measures for their conservation, and
 - (ii) incorporating existing creeklines, adjoining riparian areas and where possible, existing vegetated areas, into corridors to provide improvement of water quality and maintenance of flows, vegetation links and open space opportunities, which also serve to define village elements, and
 - (iii) identifying building controls and vegetation preservation and embellishment measures which will reduce the potential for future salinity effects, and
 - (iv) to reduce the risk of harm to human health and the biophysical environment, by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose, and
 - (d) to promote ecologically sustainable development practices by:
 - (i) ensuring that housing areas are within reasonable walking and cycling proximity to commercial areas, community services and public transport routes, and

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- (ii) requiring a subdivision pattern which allows for connectivity with the adjoining existing suburban areas, particularly for pedestrians, cyclists and buses, and
- (iii) facilitating the orderly provision of service infrastructure, including the early provision of community facilities and amenities and access to regional roads, and
- (iv) implementing ecologically sustainable stormwater management practices which use natural environmental elements and promote water sensitive urban design practices, and
- (v) encouraging use of passive solar design principles in the design of buildings to conserve energy usage, and
- (vi) providing for future mine subsidence, and
- (e) to conserve the environmental heritage of the Elderslie Release Area by:
 - (i) conserving the heritage significance of Rheinberger's Hill and its setting, and
 - (ii) protecting identified potential heritage items and archaeological sites and their settings, and
 - (iii) conserving the curtilage, settings and view corridors associated with potential heritage items located on land near to or in the vicinity of the Elderslie Release Area, and
 - (iv) ensuring that new development is planned to minimise adverse impacts on potential heritage items and archaeological sites, and
 - (v) ensuring that known and potential archaeological sites and places of Aboriginal heritage significance are conserved.

5 Relationship to other environmental planning instruments

Camden Local Environmental Plan No 46 is amended by inserting at the end of clause 3 (2) the following words:

or to the following land:

Land to which *Camden Local Environmental Plan No 117—Elderslie Release Area* applies.

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Clause 6

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6 Suspension of covenants

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any agreement, covenant or similar instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) shall affect the rights or interests of the Minister, or the Council or any other public authority, under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

7 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definitions of *child care centre*, *home industry*, *home occupation*, *map* and *residential flat building* in clause 4 (1), and
- (b) clauses 7, 8, 15 and 35 (c).

8 Definitions

- (1) In this plan:

advertisement has the same meaning as in the Act.

advertising sign means an advertisement that is painted directly onto an existing part of a building (such as a fascia, wall or shop window) and requires no other supporting structure for its display.

advertising structure has the same meaning as in the Act.

appointed day means the day this plan took effect.

archaeological site means a site specified in Schedule 1. Particulars of the relics referred to in that Schedule are set out in the Elderslie Urban Release Area Local Environmental Study.

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ARI means Average Recurrence Interval as defined in the *Floodplain Management Manual: the management of flood liable land* (NSW Government, January 2001).

caravan park means land used for the accommodation of caravans or other moveable dwellings.

child care centre means fixed premises at which a child care service (but not a residential child care service) is provided by a person for the purpose of educating, minding or caring for 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.

community centre means a building or place used to provide facilities for the physical, social, cultural, spiritual and intellectual development or welfare of the local community, and may include professional consulting rooms.

conference facilities means a building or place used for conferences or for discussion or study groups, and includes associated facilities for refreshments, meals, overnight accommodation and recreation.

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

convenience shop means a building or place that provides a retail service to cater for the day-to-day minor shopping needs of local residents, which may include an extended hours service.

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

Elderslie Release Area means the land to which this plan applies.

exhibition home means a dwelling used for display purposes.

exhibition village means a group of exhibition homes, and may include a sales office used temporarily for the sale, and financing of the selling, of land and new dwellings.

hand made goods means goods that are not mass produced but are constructed and assembled by hand.

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heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item, potential heritage item, or archaeological site, 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, relic, work or place described in Schedule 2.

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

home business means an industry or occupation carried on in a dwelling, or in a building the use of which is ancillary to a dwelling, where the dwelling and the land on which the dwelling is located are primarily used for residential purposes and where the industry or occupation:

- (a) is carried on by the permanent residents of the dwelling and not more than one non-resident, if any, and
- (b) does not take up floor space of more than 50 square metres in the whole dwelling or ancillary building, and
- (c) does not interfere with the amenity of the locality because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- (d) does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, goods or products, and
- (e) does not give rise to traffic levels out of keeping with those of the surrounding locality, and
- (f) does not include acts of prostitution between persons of different sexes or of the same sex, such as:
 - (i) sexual intercourse, as defined in section 61H of the *Crimes Act 1900*, for payment, and
 - (ii) masturbation of one person by another, for payment.

multi-unit housing means residential development (not being two-dwelling development) resulting in two or more dwellings on one lot, whether the dwellings are attached or detached, and includes townhouses and the like.

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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 known to the Council to have potential archaeological significance even if it is not so identified or shown on a map.

potential heritage item means a building, relic, work or place described in Schedule 3 and shown on the Potential Heritage Items Map.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities capable of promoting the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) the Council, or
 - (ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

relic means any deposit, object or material evidence (which may consist of human remains) relating to:

- (a) the use or settlement of the area of Camden, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the area of Camden whether before or after its occupation by persons of European extraction.

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Clause 8

Preliminary

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significant view means a view described in Schedule 4 associated with heritage items or potential heritage items and shown on the Significant Views Map.

storey means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include:

- (a) a basement level if the ceiling or roof of the basement does not extend more than 1 metre above the finished or natural ground level, or
- (b) a sub-floor area, or
- (c) a roof void if the slope of the roof does not exceed 45°.

subsurface mining means mining of an area carried out totally underground by means of access remote from the area.

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

the Council means Camden Council.

the Elderslie Urban Release Area Local Environmental Study means the publication titled *Elderslie Urban Release Area Local Environmental Study*, Patterson Britton & Partners Pty. Ltd. (2000) a copy of which is available for inspection at the office of the Council.

the Potential Heritage Items Map means the map marked “Camden Local Environmental Plan No 117—Potential Heritage Items”.

the Significant Views Map means the map marked “Camden Local Environmental Plan No 117—Significant Views”.

the Zoning Map means the map marked “Camden Local Environmental Plan No 117—Zoning”.

tree means any tree, sapling or shrub which:

- (a) is 3 metres or more in height, or
- (b) has a girth of 300 millimetres or more at a height of 1 metre above natural ground surface, or
- (c) has a branch span of 3 metres or more.

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two-dwelling development means residential development resulting in two dwellings (but no more) on one lot where:

- (a) the development involves an addition or alteration to an existing dwelling-house, the erection of a single building containing two dwellings on a vacant lot or the conversion into a dwelling of a building situated on the same lot as a dwelling-house, and
- (b) both dwellings are attached and under the one roof in one building which has the appearance of a single dwelling-house, except where:
 - (i) one of the dwellings was a dwelling-house situated on the lot as at the appointed day and the other dwelling results from the conversion of a second building that (as at the appointed day) was situated on the lot and used for a purpose ancillary to the use of that dwelling-house, and
 - (ii) the conversion will not result in any extension to the second building, and
- (c) the total amount of the site area occupied by buildings does not exceed two thirds of the site area, and
- (d) the lot has an area of not less than 400 square metres and the Council is satisfied that it will not be further subdivided (whether or not under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989*), and
- (e) in the case of the erection of a single building containing two dwellings, the building is of no more than single storey construction, but may be of two storey construction if:
 - (i) adjacent land is occupied by two storey dwellings or is vacant (but is not public land), and
 - (ii) the consent authority is satisfied that the proposed building will suit the streetscape and have no adverse effect in terms of character, design, scale, bulk, privacy and overshadowing, and
- (f) the floor space of one of the dwellings does not exceed 60 square metres.

village centre means a group of buildings situated on land and which comprises any shops, offices and medical or other professional consulting rooms.

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Clause 9

Preliminary

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(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
- (c) a reference to land within a zone specified in the Table to clause 11 is a reference to land shown on the map in the manner indicated in clause 10 as the means of identifying land of the zone so specified, and
- (d) a reference to *Camden Development Control Plan No 112* is a reference to that development control plan as approved by the Council on 22 May 2000.

9 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

Clause 10	Camden Local Environmental Plan No 117—Elderslie Release Area
Part 2	General control of development

Part 2 General control of development

10 Zones used in this plan

Land to which this plan applies is within a zone specified below if it is shown on the Zoning Map in the distinctive manner specified below for the zone:

Zone No 2 (d) (Residential Zone)—edged heavy black and lettered “2 (d)”.

Zone No 6 (b) (Open Space Proposed Zone)—edged heavy black and lettered “6 (b)”.

11 Zone objectives and development control table

- (1) The objectives of the zones are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in clause 10:
 - (a) the development that may be carried out without development consent, and
 - (b) the development that may be carried out only with development consent, and
 - (c) the development that is prohibited,is specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is consistent with:
 - (a) the statement of desired future character for the Elderslie Release Area set out in clause 3, and
 - (b) the aims and objectives of this plan and the objectives of the zone in which the development is proposed to be carried out.

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Clause 11

General control of development

Part 2

Table**Zone No 2 (d) (Residential Zone)****1 Objectives of zone**

The objectives of this zone are:

- (a) to permit a range of compatible activities which will support residential development, and
- (b) to provide for a range of housing types, which takes into account accessibility, open space and scenic considerations, and
- (c) to provide for a village centre which is a focal point for transport and community activities and allows an appropriate range of retail, commercial, residential, community and recreational activities, and
- (d) to provide for a subdivision pattern which allows for connectivity with the adjoining existing suburban areas and permeability within the urban village, particularly for pedestrians and cyclists, and
- (e) to conserve the significance of Rheinberger's Hill and its setting as a prominent visual gateway to Camden, and
- (f) to ensure that development retains the heritage significance of heritage items, potential heritage items and archaeological sites and their settings and conserves significant views, and
- (g) to protect residential amenity in relation to noise from the Camden By-pass, and
- (h) to preserve areas of substantial remnant vegetation and integrate them within open space and biodiversity planning, and
- (i) to provide for a variety of recreation forms within the open space areas, and
- (j) to require urban drainage to provide a variety of sustainable water quality and quantity controls, and
- (k) to allow for educational, recreational, community and religious activities which support the wellbeing of the community.

2 Without development consentExempt development as listed in *Camden Development Control Plan No 112*.**3 Only with development consent**

Any development other than development included in item 2 or 4.

4 Prohibited

Development for the purpose of:

airline terminals; amusement centres; bulk stores; bus depots; car repair stations; caravan parks; commercial premises (other than home businesses or as part of a village centre); extractive industries; generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mining

Clause 11	Camden Local Environmental Plan No 117—Elderslie Release Area
Part 2	General control of development

(other than subsurface mining); motor showrooms; professional consulting rooms (other than as part of a village centre or as a home business); road transport terminals; roadside stalls; sawmills; shops (other than as part of a village centre); stock and sale yards; warehouses.

Zone No 6 (b) (Open Space Proposed Zone)

1 Objectives of zone

The objective of this zone is to identify land intended to be acquired by the Council for open space and public recreation purposes.

2 Without development consent

Nil.

3 Only with development consent

Development for the purpose of:
agriculture; any building, work, place or land use ancillary to the use of the land for public recreation; drainage; recreation areas; roads; subsurface mining; utility installations (other than gas holders or generating works).

4 Prohibited

Development not included in item 3.

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Clause 12

Special provisions

Part 3

Part 3 Special provisions

Division 1 Pre-conditions to carrying out development

12 Development control plan required

Development consent must not be granted for any development of land to which this plan applies unless the consent authority has taken into consideration a development control plan approved by the Council that contains the following:

- (a) proposals for stormwater and water quality management controls, incorporating:
 - (i) recommended restrictions to residential development on land at or below the 100 year ARI that take into account the necessity for the safe passage of flows in excess of the 100 year ARI, and
 - (ii) proposals for evacuation routes in extreme events,
- (b) a strategy for development of the land to which this plan applies that is consistent with the New South Wales Government's objective of achieving a minimum target density of 15 dwellings per hectare after excluding land that is substantially constrained in the manner identified in the Elderslie Urban Release Area Local Environmental Study,
- (c) proposals that will allow land for pedestrian and cycle routes between areas of activity,
- (d) subdivision, building and landscaping proposals,
- (e) recommendations for the protection and conservation of potential heritage items and archaeological sites and their settings,
- (f) proposals for the preservation of significant views and view corridors between, to and from identified heritage items, potential heritage items and landscape elements, such as Rheinberger's Hill,
- (g) recommendations for the materials to be used in the exterior of buildings, trees to be retained, plantings to be carried out, fencing and the position of building envelopes and access roads,

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Part 3	Special provisions

- (h) proposals for design controls which detail how development can achieve sustainable water quality and quantity measures and conserve energy usage by using passive solar design principles in the design of buildings,
- (i) an overall landscaping strategy for the protection and enhancement of the creek corridors and remnant vegetation, including detailed planting measures for both the public domain and private land, to achieve the ecological and cultural landscape outcomes set out in the aims and objectives of this plan,
- (j) a detailed investigation of contamination, taking into account the Council's adopted *Policy for Management of Contaminated Land*.

13 Services

Consent must not be granted for development involved in creating residential areas on land to which this plan applies unless the consent authority has taken into consideration whether the proposed development can be adequately serviced with water, sewerage, drainage and electricity infrastructure.

14 Restrictions on certain subdivisions

- (1) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (2) This clause applies to land within Zone No 2 (d).
- (3) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure in relation to the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
 - (a) identified in the certificate as a residue lot, or

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Clause 15

Special provisions

Part 3

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- (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
 - (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
 - (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

Division 2 Protection of the environment

15 Development affected by floodwaters etc

Consent must not be granted to the carrying out of development on any land to which this plan applies if the consent authority is satisfied that the proposed development is likely:

- (a) to be adversely affected by floodwaters or overland drainage flows, or
- (b) to adversely affect the flood peak at any point upstream or downstream of the site of the development, or
- (c) to adversely affect, to a substantial degree, the flow of floodwater on adjoining land, or
- (d) to cause avoidable erosion, siltation or unnecessary destruction of creek bank vegetation in the area, or
- (e) to have an adverse effect on the water table to that land or any adjoining land, or
- (f) to adversely affect creek bank stability, or
- (g) to be isolated by floodwaters.

16 Development within mine subsidence district

- (1) This clause applies to land within an area that has been proclaimed as a mine subsidence district under section 15 of the *Mine Subsidence Compensation Act 1961*.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies without the concurrence of the Mine Subsidence Board.
- (3) In deciding whether concurrence should be granted as referred to in subsection (2), the Mine Subsidence Board must take into consideration:
 - (a) the potential use of the land for mining purposes, and

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Part 3	Special provisions

- (b) whether coal resources will be sterilised by the proposed development, and
- (c) whether conditions to prevent the surface effects of mine subsidence should be imposed on the granting of consent to the carrying out of the development, and
- (d) whether granting concurrence to the carrying out of the development is likely to encourage development applications that, if granted, would be likely to sterilise coal resources.

17 Noise reduction

- (1) Consent must not be granted to the subdivision of any land for residential purposes adjoining Camden Valley Way or Camden By-pass, unless the consent authority is satisfied that a program, detailing appropriate noise attenuation measures to reduce traffic noise to potentially affected properties, has been prepared and can be implemented.
- (2) The program detailing appropriate noise attenuation measures must be prepared by a person who, in the opinion of the consent authority, is a qualified noise consultant and who has formulated the program based on current acoustic assessment.
- (3) The environmental criteria for road noise and noise attenuation measures will be assessed in accordance with the requirements of the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999).
- (4) Noise attenuation measures must not block identified view corridors and must contribute positively to urban design outcomes of a high quality.

18 Protection of trees

- (1) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any living tree, or cause such a tree to be ringbarked, cut down, removed or wilfully destroyed, without development consent.
- (2) Subclause (1) extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by the Council or under its care, control and management.
- (3) If the consent authority receives a development application for a consent required by this clause, it must, within 14 days of receiving the application, give notice of it to the persons who appear to it to

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Clause 18

Special provisions

Part 3

own or occupy the land adjoining the land to which the application relates if, in its opinion, the enjoyment of the adjoining land would be detrimentally affected by the action proposed in the application.

- (4) The consent authority must specify in a notice under subclause (3) a period within which written submissions may be made to the consent authority concerning the application and must not determine the application until that period has expired and it has considered any submission received within that period.
- (5) This clause does not apply to or in respect of the following:
- (a) a tree declared to be a noxious plant or noxious weed by or under any Act,
 - (b) action required by Part 11 of the *Electricity Supply (General) Regulation 2001*, or required or authorised by or under any other Act,
 - (c) a tree that harbours fruit fly,
 - (d) a tree that is dead,
 - (e) the following trees:
 - (i) Privet (*Ligustrum* sp),
 - (ii) African Olive (*Olea africana*) unless located on the site of a heritage item or potential heritage item,
 - (iii) Honey Locust (*Gleditsia triacanthos*),
 - (iv) Lantana (*Lantana camara*),
 - (v) Coccus Palm (*Syagrs rhomanzofianum*),
 - (f) a tree located on land that is subject to a development consent for the erection of a building or the carrying out of a work that authorises the removal of that tree,
 - (g) the destruction or removal of a tree within 0.5 metre of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveying Act 2002*,
 - (h) bush fire hazard reduction works carried out in accordance with the provisions of a bush fire code approved under section 100M of the *Rural Fires Act 1997* and a bush fire risk management plan.
- (6) The consent authority must not grant a consent required by this clause, unless it has taken into consideration such of the following matters as are of relevance to the application:

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Part 3	Special provisions

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- (a) the aesthetic, botanical, environmental, historic and heritage importance of the tree,
 - (b) whether the tree presents or is likely to present a health or safety hazard to persons,
 - (c) whether the tree has damaged (or would be likely to damage) property,
 - (d) the extent to which the tree diminishes sunlight to habitable rooms in buildings and outdoor areas,
 - (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines, watercourses or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles,
 - (f) the impact of the action or work on the appearance, health and stability of the tree and the general amenity of the surrounding area,
 - (g) in the case of an application for consent to remove a tree:
 - (i) whether the pruning of the tree would be a more practical and desirable alternative, or
 - (ii) whether a replacement tree or trees should be planted,
 - (h) guidelines, plans and policies adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of trees, including those identified in:
 - (i) the document, a copy of which is available from the office of the Council, called *Camden Significant Tree and Vegetated Landscape Study*, or
 - (ii) plans of management or vegetation plans approved by the Council, or
 - (iii) tree management policies approved by the Council.

19 Certain activities affecting trees excepted

Anything affecting a tree that must be done to carry out an activity in accordance with an approval granted under Part 1 of Chapter 7 of the *Local Government Act 1993* may be done without development consent, if the tree and the thing that must be done were specified in the application for the approval.

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 20

Special provisions

Part 3

Division 3 Requirements for particular development

20 Height of buildings

- (1) Subject to subclause (2), a building erected on land to which this plan applies must not exceed two storeys in height.
- (2) Consent may be granted to a building containing three storeys, if the third storey is:
 - (a) located wholly within the roof space, and
 - (b) the building is designed and located to minimise bulk, particularly when viewed from the downslope sides of the land, and
 - (c) the building will not block views.

21 Village centre

Consent must not be granted to development for the purpose of a village centre if, as a result of the development, the combined floor area of all shops, offices and medical or other professional consulting rooms in the village centre would exceed 2,500 square metres or be less than 500 square metres.

22 Exhibition homes and villages

Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of an exhibition home or an exhibition village on land within Zone No 2 (d).

23 Home businesses

Development for the purpose of home businesses on land within Zone No 2 (d) is advertised development, for the purposes of the Act.

Division 4 Acquisition of land

24 Acquisition of land—Zone No 6 (b)

- (1) The owner of land within Zone No 6 (b) may, by notice in writing, require the Council to acquire the land.

Clause 25	Camden Local Environmental Plan No 117—Elderslie Release Area
Part 3	Special provisions

- (2) On receipt of such a notice, the Council must acquire the land if:
 - (a) the land is included in a program for the acquisition of land approved by the Council and current at the time of receipt of the notice, or
 - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.

Division 5 Miscellaneous

25 Residential development in Zone No 6 (b)

Despite clause 11, development for the purpose of dwellings or roads may, with development consent, be carried out on land within Zone No 6 (b) if:

- (a) it is within 50 metres of the zone boundary shown on the Zoning map, and
- (b) the consent authority is satisfied that the development will not be detrimental to the significance of Rheinberger's Hill as a potential heritage item.

26 Development of part Lot 4 DP 558686, 37 Hilder Street

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on part Lot 4, DP 558686, known as 37 Hilder Street, as shown hatched on the Zoning Map, for the purposes of a medical centre, but only if any building used for the purpose of a medical centre is located above the level of the 1% Average Exceedance Probability Flood.
- (2) In this clause, *medical centre* means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

27 Restricted vehicular access

- (1) Consent must not be granted to any development, except development for the purpose of a road, if the proposed development involves direct vehicular access to Camden Valley Way or the Camden By-pass.
- (2) Consent must not be granted to any development for the purpose of new roads having direct vehicular access to Camden Valley Way or the Camden By-pass, without the concurrence of the Roads and Traffic Authority.

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 28

Special provisions

Part 3

- (3) In deciding whether to grant concurrence, the Roads and Traffic Authority must take into consideration whether the safety and efficiency of the roads referred to in subclause (1) will be adversely affected by:
- (a) the location of the proposed direct vehicular access to the new road, and
 - (b) the design of the new road.

28 Community use of school facilities and sites

- (1) Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community land use, whether or not any such use is a commercial use of the land.
- (2) Development consent is not required if the other land use could be carried out on that land under another provision of this plan, or under any other environmental planning instrument, without development consent.

29 Council not required to obtain consent

Nothing in this plan prevents the Council from, or requires the Council to obtain development consent for, the carrying out of development by the Council on land to which this plan applies for the purpose of roads, stormwater drainage, recreation areas (excluding buildings), landscaping, gardening, bush fire hazard reduction, utility installations or flood mitigation works.

30 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000, is ***exempt development***, despite any other provision of this plan.
- (2) Development listed as complying development in *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000, is ***complying development*** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.

Clause 30 Camden Local Environmental Plan No 117—Elderslie Release Area

Part 3 Special provisions

- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Camden Development Control Plan No 112*, adopted by the Council, as in force when the certificate is issued.

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 31

Heritage

Part 4

Part 4 Heritage

31 Protection of heritage items and relics

- (1) The following development may be carried out only with development consent:
- (a) demolishing or moving a heritage item or a relic,
 - (b) altering a heritage item or relic by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
 - (c) altering a heritage item or relic by making structural changes to its interior,
 - (d) disturbing or excavating an archaeological site or potential heritage item 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, potential heritage item or relic,
 - (f) erecting a building on, or subdividing, land on which a heritage item or relic is located or land that is a potential heritage item site.
- (2) **What exceptions are there?**

Development consent is not required by this clause if:

- (a) in the opinion of the Council:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or potential heritage item concerned, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or potential heritage item, and
- (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development is excepted by this subclause and that development consent is not otherwise required by this plan.

Clause 32 Camden Local Environmental Plan No 117—Elderslie Release Area
Part 4 Heritage

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

Before granting a consent required by this clause for development relating to a heritage item, the consent authority must consider a report which addresses whether the heritage item has heritage significance and, if so, the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.

(4) The report must include a heritage impact statement that addresses at least the following issues (but need not be limited to those issues, if the heritage significance concerned involves other issues):

- (a) the heritage significance of the item as part of the environmental heritage of Camden,
- (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features,
- (c) the measures proposed to conserve the heritage significance of the item and its setting,
- (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development,
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

(5) The consent authority may decline to grant consent unless it has considered a heritage impact statement or a conservation management plan to assist its assessment of the impact of proposed development on the heritage significance of the item and any measures required to conserve the heritage significance of the item and its setting.

32 Assessment and protection of potential heritage items

- (1) Before granting consent for development on a potential heritage item site the consent authority must consider a report that addresses:
- (a) the heritage significance of the potential heritage item, and
 - (b) the extent to which the carrying out of development affects the heritage significance of the potential heritage item.

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 33

Heritage

Part 4

-
- (2) If the consent authority is satisfied that the potential heritage item does not have heritage significance, the consent authority (if it is not the Council) must inform the Council of that fact.

33 Advertising of certain heritage development applications

The following development is advertised development for the purposes of the Act:

- (a) demolishing, defacing or damaging of a heritage item, and
- (b) use of a building or land referred to in clause 34 for a purpose which, but for that clause, would be prohibited by this plan.

34 Conservation incentives

- (1) Consent may be granted 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 be prohibited by this plan, if the consent authority is satisfied that:
 - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and
 - (b) the conservation of the heritage item depends on the granting of the consent.
- (2) When determining an application for consent to erect a building on land on which a heritage item is located, the consent authority may, for the purpose of determining the floor space ratio and number of parking spaces to be provided on-site, exclude the floor space of the heritage item, but only if the consent authority is satisfied that the conservation of the heritage item depends on the exclusion.

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

Before granting consent for development that will be carried out 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 of 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

Clause 36 Camden Local Environmental Plan No 117—Elderslie Release Area
Part 4 Heritage

- (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.

36 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 for the purposes of the Act.

37 Development in the vicinity of a heritage item or potential heritage item

- (1) Before granting consent to development in the vicinity of a heritage item or potential heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the item and its setting.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item or potential heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or

Camden Local Environmental Plan No 117—Elderslie Release Area

Clause 38

Heritage

Part 4

-
- (b) that may undermine or otherwise cause physical damage to a heritage item or potential heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of or physical damage to a heritage item or potential heritage item.
- (3) The consent authority may decline to grant 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 or potential heritage item.
- (4) The heritage impact statement should include, among other matters to be addressed, 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 or potential heritage item.

38 Protection of significant views and view corridors

Before granting consent to development that, in the opinion of the consent authority, is likely to have an impact on significant views associated with heritage items or potential heritage items, the consent authority must consider a statement addressing the visual impact of the proposed development, including associated landscaping, on the preservation of significant views.

Camden Local Environmental Plan No 117—Elderslie Release Area

Schedule 1 Archaeological sites

Schedule 1 Archaeological sites

(Clause 8 (1))

No	Site
1	Site of stone artefact located in eroded area 40 metres west of creek channel (Isolated Find, EL-IF-1).
2	Site of stone artefact located in dam cutting 5 metres east of creek channel (Isolated Find, EL-IF-2).
3	Oxley Creek between Lodges Road and Kirkham Park.

Camden Local Environmental Plan No 117—Elderslie Release Area

Heritage items

Schedule 2

Schedule 2 Heritage items

(Clause 8 (1))

Note.

There were no heritage items at the commencement of this plan.

Camden Local Environmental Plan No 117—Elderslie Release Area

Schedule 3 Potential heritage items

Schedule 3 Potential heritage items

(Clause 8 (1))

No	Property	Item
1	180 Camden Valley Way	residence and associated structures
2	168 Camden Valley Way	residence and associated structures
3	43 Hilder Street	residence
4	49 Hilder Street	residence
5	63 Hilder Street	residence
6	64 Hilder Street	Washingtonia Palm and peppercorn tree
7	120 Lodges Road	residence and associated structures (on adjacent block)
8	125 Lodges Road	residence and associated structures
9	141 Lodges Road	residence and surrounding garden
10	150 Lodges Road	residence and associated structures
11	167 Lodges Road	residence and associated structures
12	175A Lodges Road	residence
13	175B Lodges Road	residence and associated structures (on adjacent block)
14	Rheinberger's Hill	place

Camden Local Environmental Plan No 117—Elderslie Release Area

Significant views

Schedule 4

Schedule 4 Significant views

(Clause 8 (1))

Notation on the Significant Views Map	Significant views
V1	Views between Studley Park House and Kirkham, Camelot and St John's Church, Camden and views to St John's Church from Rheinberger's Hill and Lodges Road. Views from the Camden By-pass to Camden and beyond to the Blue Mountains.
V2	Views to and from Studley Park House from Camden Valley Way, Hilder Street, Kirkham (Recreational Park) and from within the Elderslie Release Area itself.
V3	Views to and from Rheinberger's Hill.
V4	Views between potential heritage items within the Release Area (Lodges Road Group) and Hilsyde.



New South Wales

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

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*. (G03/00223/S69)

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

Clause 1 Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Copmanhurst Local Environmental Plan 1990 (Amendment No 11)*.

2 Aims of plan

This plan aims:

- (a) to update the schedule of items set out in *Copmanhurst Local Environmental Plan 1990 (the 1990 plan)* considered to be of heritage significance, and
- (b) to make consequential amendments to the 1990 plan as a result of changing the name of the items from “item of the environmental heritage” to “heritage item”.

3 Land to which plan applies

This plan applies to land under the provisions of *Copmanhurst Local Environmental Plan 1990*, and more particularly, to land as described in Schedule 1 [10] to this plan.

4 Amendment of Copmanhurst Local Environmental Plan 1990

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

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Omit the definition of *item of the environmental heritage* from clause 5 (1).

Insert instead:

heritage item means a building, work, relic or place of historic, scientific, cultural, social, archaeological, natural or aesthetic significance to the local government area in which it is situated:

- (a) shown edged heavy black, with broken hatching and numbered on the map, or
- (b) described in Schedule 2.

A heritage item may be more particularly described in the Copmanhurst heritage database, held at the office of the council, under the respective heritage database reference number specified in Schedule 2.

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

Insert in appropriate order:

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

[3] Clause 26 Protection of heritage items

Omit “an item of the environmental heritage” from clause 26 (1).

Insert instead “a heritage item”.

[4] Clause 26 (2)

Omit “an item of the environmental heritage” where firstly occurring.

Insert instead “a heritage item”.

[5] Clause 26 (2) (a)

Omit the paragraph. Insert instead:

- (a) the significance of the item as a heritage item of the local government area in which it is situated, and

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Schedule 1 Amendments

[6] Clause 26 (3)

Omit the subclause.

[7] Clause 27 Development in the vicinity of heritage items

Omit “an item of the environmental heritage”.

Insert instead “a heritage item”.

[8] Clause 27

Omit “the item of the environmental heritage”.

Insert instead “the heritage item”.

[9] Clauses 28 and 29

Omit “an item of the environmental heritage” wherever occurring.

Insert instead “a heritage item”.

[10] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Heritage items

(Clause 5 (1))

Locality	Description	Map no	Copmanhurst heritage database ref no
Alumy Creek			
	Alumy Creek bridge	1	1450197
	Alumny Creek Community Hall site	2	1450004
	Alumny Creek Public School Museum	3	1450002

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Amendments

Schedule 1

Locality	Description	Map no	Copmanhurst heritage database ref no
	Alumny Creek reserve	4	1450003
	Austen's House	5	1450126
Banyabba			
	Flying Horse Hotel site, Pringles Way	6	1450176
	Old Tenterfield Road	7	1450206
Baryulgil			
	Aboriginal cemetery	8	1450155
	Asbestos mine site	9	1450001
	Hall	10	1450082
	The Square	11	1450122
Carnham			
	The Gorge	12	1450173
Carrs Creek			
	Hall	13	1450117
	Orange Grove Cottage	14	1450028
	Public school (former)	15	1450087
	School residence (former)	16	1450178

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Schedule 1 Amendments

Locality	Description	Map no	Copmanhurst heritage database ref no
Coaldale			
	Coaldale-Barretts Creek memorial hall	17	1450106
	Roberts Cottage	18	1450211
Copmanhurst			
	CBC bank (former) and residence	19	1450172
	Church of the Holy Apostles	20	1450034
	Church of the Holy Apostles Rectory (former)	21	1450167
	Copmanhurst and Upper Clarence war memorial	22	1450075
	Memorial hall	23	1450074
	Police station and residence	24	1450063
	Powder store (former)	25	1450076
	Public school, residence and saddlery	26	1450068
	Rest Point Hotel	27	1450071
	Saleyards (former) and well	28	1450079

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Amendments

Schedule 1

Locality	Description	Map no	Copmanhurst heritage database ref no
Deep Gully			
	Grimsby House	29	1450213
Eighteen Mile			
	Eighteen Mile Station— dingo fence	30	1450093
	Eighteen Mile Station— sheep dip	31	1450200
Ewingar			
	Bob-tail, Ewingar State Forest	32	1450083
	Ewingar Hall	33	1450132
	Forestry camp, Ewingar State Forest	34	1450164
Fine Flower			
	Pluck copper smelter and mines site (former)	35	1450140
Gordon Brook			
	Pulganbar mercury smelter (former)	36	1450032
Junction Hill			
	Waghorn's slab house	37	1450109
Koolkhan			
	Power station (former)	38	1450022

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Schedule 1 Amendments

Locality	Description	Map no	Copmanhurst heritage database ref no
Lawrence			
	Sportsmans Creek bridge	39	1450016
Lionsville			
	Bancroft Stamper battery	40	1450113
	Bassetti grave	41	1450096
	Cemetery	42	1450153
	Cricket pitch	43	1450154
	Lionsville Hotel site	44	1450100
	Lionsville village archaeological site	45	1450005
Lower Southgate			
	Blanch's drain	46	1450170
	Doust Park	47	1450152
	Foley's Butter Factory building	48	1450035
	River Light	49	1450129
	War memorial	50	1450165
Moleville Rocks			
	Grinding grooves	51	1450191
	Recreation reserve	52	1450015

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Amendments

Schedule 1

Locality	Description	Map no	Copmanhurst heritage database ref no
Mountain View			
	Arboretum	53	1450115
Mylneford			
	Cemetery	54	1450062
	First Falls Crossing	55	1450081
Solferino			
	Solferino village archaeological site	56	1450095
	Wells	57	1450099
Southgate			
	Bakery (former) and residence	58	1450124
	Hall (former)	59	1450084
	School (former)	60	1450089
	School residence (former)	61	1450139
	Southgate Hotel (former)	62	1450085
Sportsmans Creek			
	Weir	63	1450119
Stockyard Creek			
	McKee's dairy and bails (former)	64	1450111

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Schedule 1 Amendments

Locality	Description	Map no	Copmanhurst heritage database ref no
Trenayr	Grafton Agricultural Research and Advisory Station	65	1450069
	Grafton Agricultural Research and Advisory Station—administration building	66	1450174
	Grafton Agricultural Research and Advisory Station—bunyip swamp	67	1450208
	Grafton Agricultural Research and Advisory Station—farm buildings	68	1450214
	Grafton Agricultural Research and Advisory Station—manager's residence	69	1450072
	Grafton Agricultural Research and Advisory Station—rainforest remnant	70	1450205
	Grafton Agricultural Research and Advisory Station—workers' cottages	71	1450204

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Amendments

Schedule 1

Locality	Description	Map no	Copmanhurst heritage database ref no
Upper Copmanhurst			
	Copmanhurst Cemetery	72	1450066
	Davey's Store (former)	73	1450151
	St John of the Cross Church	74	1450007
Whiporie			
	Olive family cemetery	75	1450033
	Whiporie Hall	76	1450133
Winegrove			
	Newbold Lookout	77	1450010
Wyan Creek			
	Bennett's sawmill site	78	1450162
	Wyan Cemetery	79	1450138
	Wyan Creek school site	80	1450186
	Wyan survey mark	81	1450185
Yulgilbar			
	Big House	82	1450029
	Hamilton Graves	83	1450136
	Homestead	84	1450137
	Laundry cottage	85	1450158

Copmanhurst Local Environmental Plan 1990 (Amendment No 11)

Schedule 1 Amendments

Locality	Description	Map no	Copmanhurst heritage database ref no
	Ogilvie Vault	86	1450157
	Penrose's House site	87	1450202
	Sketch House	88	1450148
	Yulgilbar River crossing	89	1450157
	Yulgilbar Station	90	1450171



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 73)

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*. (N03/00275/PC)

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

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 73)

Maitland Local Environmental Plan 1993 (Amendment No 73)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 73)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (b) Secondary Rural Land to partly Zone 1 (c) Rural Small Holdings and partly Zone 7 (b) Environmental Protection Buffer under the provisions of *Maitland Local Environmental Plan 1993*.

3 Land to which plan applies

This plan applies to land in the City of Maitland, being Lot 71, DP 573182, 66 River Road, Windella, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 73)" deposited in the office of Maitland City Council.

4 Amendment of Maitland Local Environmental Plan 1993

Maitland Local Environmental Plan 1993 is amended by inserting in appropriate order in the definition of *The map* in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No 73)



New South Wales

Muswellbrook Local Environmental Plan 1985 (Amendment No 86)

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*. (N00/00022/S69)

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

Clause 1 Muswellbrook Local Environmental Plan 1985 (Amendment No 86)

Muswellbrook Local Environmental Plan 1985 (Amendment No 86)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Muswellbrook Local Environmental Plan 1985 (Amendment No 86)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 1 (c) (the Rural Small Holdings Zone) to Zone No 2 (a) (the Residential "A" Zone) under *Muswellbrook Local Environmental Plan 1985*.

3 Land to which plan applies

This plan applies to part of Lot 1, DP 798186, Sandy Creek Road, Muswellbrook, as shown coloured light scarlet and edged heavy black on the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 86)" deposited in the office of Muswellbrook Shire Council.

4 Amendment of Muswellbrook Local Environmental Plan 1985

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

Muswellbrook Local Environmental Plan 1985 (Amendment No 86)



Scone Local Environmental Plan 1986 (Amendment No 57)

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*. (N03/00283/PC)

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

Clause 1 Scone Local Environmental Plan 1986 (Amendment No 57)

Scone Local Environmental Plan 1986 (Amendment No 57)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Scone Local Environmental Plan 1986 (Amendment No 57)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 1 (i) to Zone No 1 (c) under *Scone Local Environmental Plan 1986*, and
- (b) to rezone certain other land from Zone No 1 (c) to Zone No 1 (i), and
- (c) to allow dwelling-houses and associated light aircraft hangars to be erected on certain other land between Moobi Road and Scone Memorial Aerodrome.

3 Land to which plan applies

This plan applies to Lots 8, 11, 14, 18 and 22, DP 203152, Lot 1, DP 213010 and part of Lot 6, DP 6009, Moobi Road, Scone, as shown edged heavy black on the map marked "Scone Local Environmental Plan 1986 (Amendment No 57)" deposited in the office of Scone Shire Council.

4 Amendment of Scone Local Environmental Plan 1986

Scone Local Environmental Plan 1986 is amended as set out in Schedule 1.

Scone Local Environmental Plan 1986 (Amendment No 57)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

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

Scone Local Environmental Plan 1986 (Amendment No 57)

[2] Schedule 6 Special development provisions

Insert at the end of the Schedule in Columns 1 and 2, respectively:

Subdivision and the erection of dwelling-houses and associated light aircraft hangars on the lots so created, provided that:	Such part of Lots 8, 11, 14, 18 and 22, DP 203152 and part of Lot 1, DP 213010, Moobi Road, Scone, as is within Zone No 1 (i).
(a) each lot so created has a minimum area of 1 hectare, and	
(c) the erection of the dwelling-houses complies with AS 2021–2000 <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i> , and	
(b) the Council is satisfied that the proposed development is compatible with the adjacent Scone Memorial Aerodrome.	



New South Wales

Snowy River Local Environmental Plan 1997 (Amendment No 11)

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*. (Q03/00254/S69)

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

Clause 1 Snowy River Local Environmental Plan 1997 (Amendment No 11)

Snowy River Local Environmental Plan 1997 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Snowy River Local Environmental Plan 1997 (Amendment No 11)*.

2 Aims of plan

This plan aims:

- (a) to allow, with the consent of Snowy River Shire Council, the carrying out of development on part of the land to which this plan applies for the purpose of veterinary hospitals, and
- (b) to extend the definition of **holiday dwelling** in *Snowy River Local Environmental Plan 1997* to dwellings with more than 4 bedrooms or more than 10 beds.

3 Land to which plan applies

- (1) To the extent that this plan allows veterinary hospitals with consent, it applies to all land within Zone 4—Industrial under *Snowy River Local Environmental Plan 1997*.
- (2) To the extent that this plan extends the definition of **holiday dwelling**, it applies to all land under *Snowy River Local Environmental Plan 1997*.

4 Amendment of Snowy River Local Environmental Plan 1997

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

Snowy River Local Environmental Plan 1997 (Amendment No 11)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 17 Zone 4—Industrial

Insert “veterinary hospitals;” in alphabetical order in clause 17 (3).

[2] Schedule 1 Definitions

Omit the definition of *holiday dwelling*. Insert instead:

holiday dwelling means a dwelling used wholly for holiday accommodation by different groups of associated people, or by family groups, at different times.

Natural Resources

WATER ACT 1912

Order Under Section 117E

Groundwater Allocations for 2004/2005 Water Year

Lower Lachlan Water Shortage Zone

THE Water Administration Ministerial Corporation pursuant to section 117E of the Water Act, 1912, being satisfied that the Water Shortage Zone, as referred to and shown as the Lower Lachlan Groundwater Management Area 012, in Schedule 2 is unlikely to have more water available than is sufficient to meet the requirements of the licensees of bores situated within the Water Shortage Zone and such other possible requirements from the Water Shortage Zone as are determined by the Ministerial Corporation, by this Order, hereby restricts the entitlements of licensees within that Zone to take and use water obtained by such bores. In particular, this Order reduces each licensee's water allocation for the whole of the 2004/2005 water year in the manner described in Schedule 1. This order shall have effect from the date of publication hereof to 30 June 2005. This order applies to all bores other than bores for stock, domestic and town water supply.

Signed for the Water Administration Ministerial Corporation

Dated this 23rd day of June 2004.

DON MARTIN,
Regional Director, Central West
Department of Infrastructure Planning
and Natural Resources

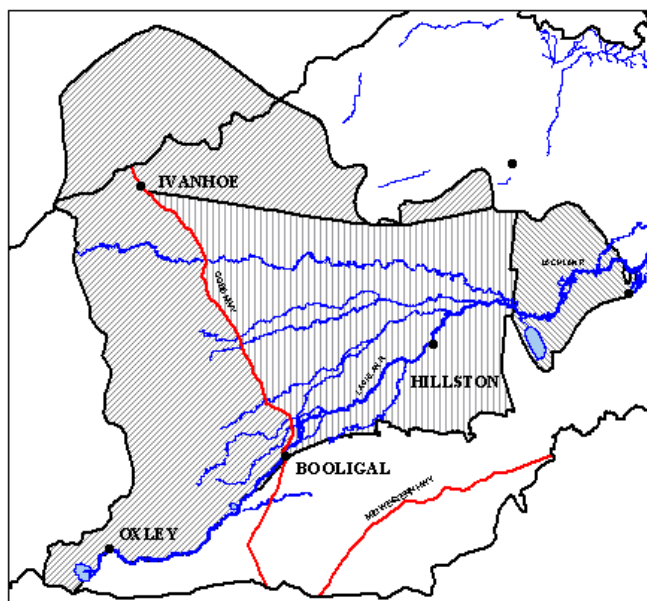
SCHEDULE 1

- If History Of Use is greater than 95% of entitlement, then allocation is announced at 95% of entitlement.
- If History Of Use is between 45% and 95% of entitlement, then allocation is announced at 100% of History Of Use.
- If History Of Use is less than 45% of entitlement then allocation is announced at 200% of History Of Use, up to a maximum cap of 45% of entitlement.
- If History Of Use is 0 ML, then allocation is announced at 10% of entitlement.

History of Use is defined as the maximum individual usage from any one water year between 2001-02, 2002-03, and 2003-04.

SCHEDULE 2

Lower Lachlan Groundwater Management Area 012



Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale, NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Richard Alec Ward (new member) Robert Owen McCosker (new member)	Goonoowigall Bushland Reserve Trust	Reserve No. 89639 Public Purpose: Preservation of Native Flora Public Recreation Notified: 6 February 1976 File Reference: AE81R115/2

For a term commencing the date of this notice and expiring 31 December 2004.

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

**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 has been altered as shown.

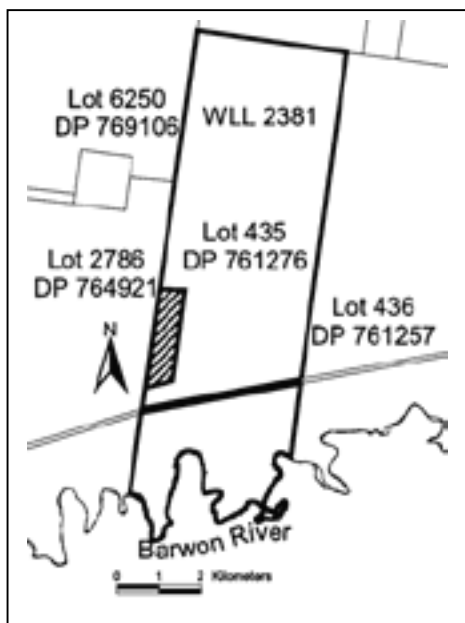
CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

*Administrative District and Shire — Walgett;
Parish — Ulah;
County — Finch*

The conditions of Western Lands Lease 2381 being the land contained within Folio Identifier 435/761276 has been altered effective from 17 June 2004 by the inclusion of the special condition following.

**SPECIAL CONDITION ATTACHED TO WESTERN
LANDS LEASE 2381**

The area of 140 hectares, being a strip 600 metres wide adjoining the Western boundary of Lot 435, shown hatched on the diagram hereunder, shall not be cleared or cultivated and the lessee acknowledges that the Commissioner or the Minister will not grant any consent for clearing or cultivation over that area.



**ALTERATION OF CONDITIONS OF A
WESTERN LANDS LEASE**

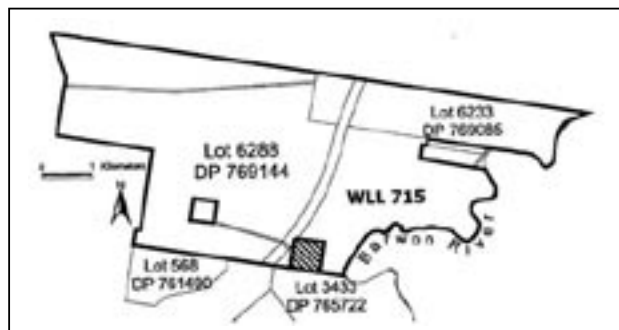
IT is hereby notified that in pursuance of the provisions of Section 18J Western Lands Act 1901, the conditions of the undermentioned Western Lands Lease has been altered as shown.

CRAIG KNOWLES MP,
Minister for Infrastructure and Planning
Minister for Natural Resources
*Administrative District and Shire — Walgett;
Parish — Collarindabri;
County — Finch*

The conditions of Western Lands Lease 715 being the land contained within Folio Identifiers 6288/769144 and 6233/769085 has been altered effective from 10 June 2004 by the inclusion of the special condition following.

**SPECIAL CONDITION ATTACHED TO WESTERN
LANDS LEASE 715**

The area totalling 36 hectares, being a strip 600 metres square adjoining the Southern boundary of Lot 6288 as shown hatched on the diagram hereunder, shall not be cleared or cultivated and the lessee acknowledges that the Commissioner or the Minister will not grant any consent for clearing or cultivation over that area.



**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

COLUMN 1	COLUMN 2
Wentworth Showgrounds Reserve Trust	Dedication No. 630001 Public Purpose: Showground Notified: 7 January 1899 File Reference: WL86R131/1

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

COLUMN 1	COLUMN 2
Cobar Site For Dec Buildings Reserve Trust	Reserve No. 92637 Public Purpose: Site For Public Buildings Notified: 13 June 1980 File Reference: WL86R178/1

ERRATTA

IN the Government Gazette of 23 April 2004, Folio 2180 the heading "Establishment of Reserve Trust" was inserted in error and should not have appeared.

In the Government Gazette of 12 March 2004, Folio 1125, under the heading "Erratum" should read Item 7194 and not Folio 7194 (WL86R49)

TONY KELLY, M.P.,
Minister for Lands

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

NOTIFICATION OF CLOSING OF ROADS

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.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

—————
Descriptions

Parish – Goulburn;
County – Argyle;
Land District – Goulburn;
Council – Greater Argyle.

Lot 1, DP 1066650.

File No.: GB03 H 58:MB.

Note: On closing the land in Lot 1, DP 1066650 remains land vested in the Crown as Crown Land.

—————
Parish – Berrima;
County – Camden;
Land District – Moss Vale;
Council – Wingecarribee.

Lot 1, DP 1068388.

File No.: GB02 H 282:MB.

Note: On closing the land in Lot 1, DP 1068388 remains land vested in the Crown as Crown Land.

—————
Parish – Wamboin;
County – Murray;
Land District – Queanbeyan;
Council – Eastern Capital City Regional.

Lot 1, DP 1068790.

File No.: GB03 H 352:MB.

Note: On closing the land in Lot 1, DP 1068790 remains land vested in the Crown as Crown Land.

GRAFTON OFFICE

76 Victoria Street (Locked Bag 10), Grafton, NSW 2460

Phone: (02) 6640 2020 Fax: (02) 6640 2036

ROADS ACT 1993

ORDER

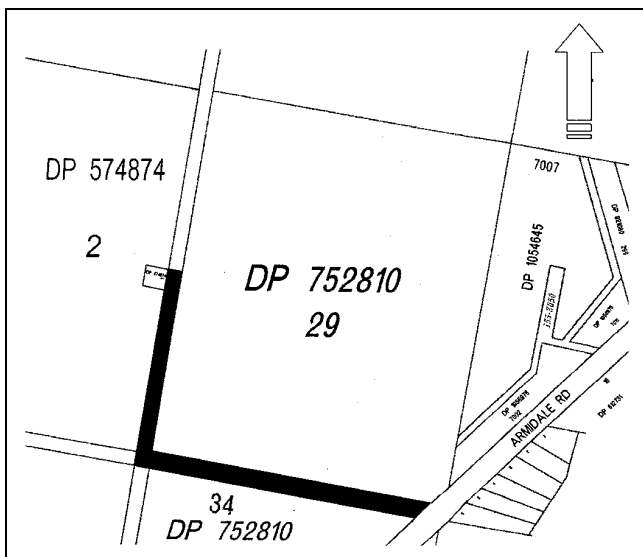
Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

Crown road 20.115 wide as shown shaded on diagram below, Parish Bardsley, County Fitzroy, at Coutts Crossing.



SCHEDULE 2

Roads Authority: Clarence Valley Council.

File No.: GF04 H 132.

Council's Reference: TJ:DMH:R238/522.

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

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified thereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Bronwyn McMILLAN.	Tabulam Public Hall Reserve Trust.	Reserve No.: 54399. Public Purpose: Public hall. Notified: 28 January 1921. File No.: GF81 R 328.

Term of Office

For a term commencing the date of this notice and expiring 24 December 2004.

HAY OFFICE**126 Lachlan Street (PO Box 182), Hay, NSW 2711****Phone: (02) 6993 1306 Fax: (02) 6993 1135****APPOINTMENT OF TRUST BOARD MEMBERS**

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Paul James PORTER (new member), Graeme John CLARKE (new member), Nathan Adrian Henry HARVEY (new member).	Gunbar Tennis Club Reserve Trust.	Reserve No.: 1010069. Public Purpose: Public recreation. Notified: 19 March 2004. File No.: HY81 R 10.

Term of Office

For a term commencing the date of this notice and expiring
17 June 2009.

MAITLAND OFFICE**Newcastle Road (PO Box 6), East Maitland, NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Parish — Wallarah;
County — Northumberland;
Land District — Gosford;
Local Government Area — Wyong

Road Closed: Lot 5, D.P1068476 at North Entrance subject to a right of carriageway 20 wide & variable created by Deposited Plan 1068476, subject to a right of carriageway 20 wide & variable created by Deposited Plan 1068476 and subject to an easement for electricity purposes 4, 20, 22, 26 wide and variable width created in Deposited Plan 642610 – Government Gazette 21st September 1990 folios 8480 & 8481.

File Reference: MD03 H271.

Schedule

On closing, the land within Lot 5, D.P.1068476 remains vested in Wyong Shire Council as operational land for the purposes of the Local Government Act 1993. Council's reference: C/003130

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 117 of the Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term specified thereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.P.,
Minister for Lands

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Leslie David NORRIS	Morisset Showground Reserve Trust	Reserve No: 65735 Public Purpose: Public recreation and showground Notified: 10 January 1936 File No: MD80R225

Term of Office

For a term commencing 1st July 2004 and expiring 31st
December 2004.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541
Phone: (02) 4428 6900 Fax: (02) 4428 6988

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

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the Nowra Office of the Department of Lands, 5 O'Keefe Avenue, Nowra, at the Nowra Council Chambers of the Shoalhaven City Council and at the Sussex Inlet Post Office, Jacobs Drive at Sussex Inlet during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 16 June 2004 until 16 July 2004 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra 2541.

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

TONY KELLY, M.P.,
 Minister for Lands

Description

Land District – Nowra;
Local Government Area – Shoalhaven City;
Parish – Farnham;
County – St Vincent.

Crown Land at Sussex Inlet Village comprising:

Lands generally bounded by Sussex Inlet Road, Swanhaven village, Lakehaven Drive, Government Road and Cater Crescent.

Crown Land at Swanhaven Village comprising:

Land north of Hoffman Drive and lands south of Yaroma Avenue and The Springs Avenue.

File No.: NA02 H 285.

NOTIFICATION OF CLOSING OF ROAD

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

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

Land District – Bega;
L.G.A. – Bega Valley.

Lot 4, DP 1042936 at Rats Valley, Parish Cobra and County Auckland (being land under the Real Property Act).

File No.: NA02 H 266.

Note: On closing, the land remains vested in the Crown as Crown Land.

RESERVATION OF CROWN LAND

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

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

COLUMN 1

Land District: Bega.
 Local Government Area: Bega
 Valley Shire Council.
 Locality: Bemboka.
 Lot 202, DP No. 750217,
 Parish Mogila, County Auckland.
 Area: 18.21 hectares.
 File No.: NA04 R 7.

COLUMN 2

Reserve No.: 1010248.
 Public Purpose: Public
 recreation and
 environmental protection.

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

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

COLUMN 1 <u>MEMBERS APPOINTED</u>	COLUMN 2	COLUMN 3
Kathleen Howard-Smith (re-appointment)	Mt Irvine Public Hall (R60844) Reserve Trust	Reserve No. 60844 Public Purpose: Public Hall
Raymond Harrington (re-appointment)		Notified: 30 November 1928
Elisabeth Gunn (re-appointment)		File Reference: MN80R166/2
Geoffrey Keith Naylor (re-appointment)		
Leith Conybeare (new member)		
Sara Sernack (new member)		
John Lee (new member)		

Term of Office

For a term commencing 19 July 2004 and expiring 18 July 2009

NOTIFICATION OF CLOSING OF ROAD

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

TONY KELLY, M.L.C.,
Minister for Lands

Descriptions

Land District – Metropolitan
L.G.A. – Warringah

Lot 90, DP 1069152 at Curl Curl, Parish Manly Cove (Sheet 6), County Cumberland.

MN02H228.

Note: On closing, title for the land in lot 90 remains vested in the Crown.

Descriptions

Land District – Picton
L.G.A. – Wollondilly

Lot 1, DP 1060724 at Oakdale, Parish Burragorang, County Camden.

MN02H210.

Note: On closing, title for the land in lot 1 remains vested in the Crown.

Descriptions

Land District – Penrith;
L. G. A. – Blue Mountains City

Lot 2, DP 1034107 at Linden, Parish Coomassie (Sheet 2), County Cook.

MN01H74.

Note: On closing, title for the land in lot 2 remains vested in Blue Mountains City Council as operational land.

Descriptions

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

Lots 11-14 inclusive, DP 1068213 and Lots 1-3 inclusive DP 827685 at Liverpool, Parish St Luke (Town of Liverpool), County Cumberland.

MN03H100.

Note: On closing, titles for the land in lots 11-14 inclusive and lots 1-3 inclusive remain vested in Liverpool City Council as operational land.

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

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

THE Minister for Lands has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Greater Taree City Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 25th June 2004 to 25th July 2004 and should be sent to the Manager, Mid North Coast, Department of Lands, P.O. Box 440, Taree, 2430. Telephone enquiries should be directed to the Taree office on 02 6552 2788.

TONY KELLY, M.L.C.,
Minister for Lands

Description: 1.821 hectares of unreserved Crown land being Lot 174 DP 754454, Parish Wingham, County Macquarie.

Reason: To determine appropriate future land use and management options of the Crown land, including consideration of application for private treaty sale.

Contact Officer: Mr Bob Birse

(File No. TE02H166)

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(04-553)

No. 2374, CAPRICORN MINERALS LIMITED (ACN 108 128 025), area of 4 units, for Group 2, dated 10 June 2004. (Armidale Mining Division).

(04-554)

No. 2375, TURON GOLD PTY LTD (ACN 108 675 216), area of 100 units, for Group 1, dated 15 June 2004. (Orange Mining Division).

(04-555)

No. 2376, TURON GOLD PTY LTD (ACN 108 675 216), area of 100 units, for Group 1, dated 15 June 2004. (Orange Mining Division).

(04-556)

No. 2377, TURON GOLD PTY LTD (ACN 108 675 216), area of 100 units, for Group 1, dated 15 June 2004. (Orange Mining Division).

(04-557)

No. 2378, TURON GOLD PTY LTD (ACN 108 675 216), area of 100 units, for Group 1, dated 15 June 2004. (Orange Mining Division).

(04-558)

No. 2379, SOUTH PACIFIC NICKEL NL (ACN 073 155 781), area of 30 units, for Group 1, dated 15 June 2004. (Wagga Wagga Mining Division).

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

NOTICE is given that the following application has been granted:

EXPLORATION LICENCE APPLICATION

(T04-0028)

No. 2291, now Exploration Licence No. 6253, HERITAGE GOLD NZ LTD (ACN 009 474 702), County of Yancowinna, Map Sheet (7133), area of 19 units, for Group 1, dated 4 June 2004, for a term until 3 June 2006. As a result of the grant of this title, Exploration Licence No. 5957 has ceased to have effect.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T04-0026)

No. 2290, SOUTHERN TITANIUM NL (ACN 063 389 079), County of Wentworth and County of Windeyer, Map Sheet (7230, 7231, 7330, 7331). Withdrawal took effect on 16 June 2004.

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

NOTICE is given that the following application for renewal has been received:

(T02-0025)

Exploration Licence No. 5960, PETER JOHN ALSOP, area of 1 unit. Application for renewal received 11 June 2004.

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

RENEWAL OF CERTAIN AUTHORITY

NOTICE is given that the following authority has been renewed:

(T99-0162)

Exploration Licence No. 5704, PLATSEARCH NL (ACN 003 254 395), County of Yancowinna, Map Sheet (7234), area of 18 units, for a further term until 21 March 2006. Renewal effective on and from 16 June 2004.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDERS

NOTICE is given that the following authority has been cancelled:

(T95-1116)

Mineral Claim No. 182 (Act 1992), BRUNO VALERIO DE TORRENS and FRANK REGINALD JAMES, Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 18 June 2004.

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

EXPIRY

Mining Lease No. 1087 (Act 1973), BERLINA HOLDINGS PTY LIMITED, Parish of Clinton, County of Bathurst. This title expired on 14 June 2004.

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

Roads and Traffic Authority

ROADS ACT 1993

Order - Sections 46, 49 and 67

Bega Valley Shire Council area

Declaration as a Controlled Access Road of
part of the Princes Highway at Yellow Pinch

I, the Minister for Roads, pursuant to Sections 46, 49 and 67 of the Roads Act, 1993, by this order -

1. declare to be a main road the public road described in Schedule 1 under;
2. declare to be a controlled access road the said main road described in Schedule 1;
3. declare that access to the said controlled access road is restricted; and
4. specify in Schedule 2 under, the points along the controlled access road at which access may be gained to or from other public roads.

CARL SCULLY MP
Minister for Roads

SCHEDULE 1

ALL those pieces or parcels of public road situated in the Bega Valley Shire Council area, Parishes of Cobra, Bournda and Pambula and County of Auckland shown as:

Lots 59, 60, 61, 65 and 66 Deposited Plan 826788;

Lots 20 to 25 inclusive Deposited Plan 862130; and

Lot 30 Deposited Plan 814484.

The above Lots are all shown on RTA Plan 0001 032 AC 3153.

SCHEDULE 2

Between the points A and B;

between the points C and D;

and between the points E and F; all shown on RTA Plan 0001 032 AC 3153.

(RTA Papers FPP 1/32.1301)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition and Dedication as Public
Road of Land
at Eleebana in the Lake Macquarie City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Lake Macquarie City Council area, Parish of Kahibah and County of Northumberland, shown as:

Lots 3 and 5 Deposited Plan 1050819, being parts of the land in Certificate of Title 2/230160; and

Lot 4 Deposited Plan 1050819, being part of the land in Certificate of Title 1/230160.

The land is said to be in the possession of Lake Macquarie City Council.

(RTA Papers FPP 4M2476; RO 252.1837)

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

Notice of Compulsory Acquisition and Dedication as Public
Road of Land at Warners Bay in the
Lake Macquarie City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of land situated in the Lake Macquarie City Council area, Parish of Kahibah and County of Northumberland, shown as Lot 2 Deposited Plan 1048600, being part of the land in Deed of Conveyance No 782 Book 1871.

The land is said to be in the possession of Lake Macquarie City Council.

(RTA Papers FPP 4M2462; RO 252.1843)

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

Notice of Compulsory Acquisition of an Easement
at St Johns Park in the Fairfield City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

AN easement in gross for electricity purposes as provided in Schedule 4A of the Conveyancing Act 1919, over the site shown as "proposed easement for electricity purposes 1 wide" and designated by the letter [E] on Deposited Plan 1058148, affecting part of the land in Certificate of Title 123/253726.

The land is said to be in the possession of Fairfield City Council.

(RTA Papers FPP 4M1008; RO 156.12319)

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

Notice of Compulsory Acquisition of Land the subject of a road widening order at Ourimbah in the Wyong Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired, pursuant to Section 203 of the Roads Act 1993, by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. (The land is now public road by operation of Section 14 of the Roads Act 1993).

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL that piece or parcel of land situated in the Wyong Shire Council area, Parish of Ourimbah and County of Northumberland, shown as Lot 8 Deposited Plan 225698, being the whole of the land remaining in Certificate of Title Volume 13758 Folio 168.

The land is said to be in the possession of Allen James Hitchins.

(RTA Papers FPP 4M2487; RO 10/505.1810)

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

Notice of Compulsory Acquisition of Land at Frogs Hollow in the Bega Valley Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL those pieces or parcels of public road situated in the Bega Valley Shire Council area, Parish of Kameruka and County of Auckland, shown as Lots 16 and 17 Deposited Plan 787822.

The land is said to be in the possession of Bega Valley Shire Council.

(RTA Papers FPP 4M1999; RO 1/32.1881)

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

Notice of Compulsory Acquisition of Land at Billinudgel
and Brunswick Heads in the Byron Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Byron Shire Council area, Parish of Billinudgel and County of Rous, shown as:

Lot 2 Deposited Plan 1023286, being part of the land in Certificate of Title 1/792492;

Lot 20 Deposited Plan 1018251, being part of the land in Certificate of Title 1/818965;

Lot 4 Deposited Plan 579411, being the whole of the land in Certificate of Title 4/579411;

Lots 11 and 12 Deposited Plan 1062883, being parts of the land in Certificate of Title 5/717523, excluding from the compulsory acquisition of Lot 11 the right of carriageway 6 wide created by Deposited Plan 717523;

Lot 1520 Deposited Plan 245028, being the whole of the land in Certificate of Title 1520/245028;

Lot 1458 Deposited Plan 245029, being the whole of the land in Certificate of Title 1458/245029;

Lot 44 Deposited Plan 1016168, being part of the land in Certificate of Title 1521/572416; and

Lot 47 Deposited Plan 1016168, being part of the land in Certificate of Title 1457/245029.

The land is said to be in the possession of Byron Shire Council.

(RTA Papers: FPP 4M215; RO 10/62.1569)

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

Notice of Compulsory Acquisition of Land at
Billinudgel in the Byron Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of land situated in the Byron Shire Council area, Parish of Billinudgel and County of Rous, shown as Lot 15 Deposited Plan 1018251, being part of the land in Certificate of Title 1/818965.

The land is said to be in the possession of Byron Shire Council.

(RTA Papers: FPP 4M215; RO 10/62.1569)

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

Notice of Compulsory Acquisition and Dedication as Public
Road of Land at Rothbury in the
Cessnock City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL that piece or parcel of land situated in the Cessnock City Council area, Parish of Rothbury and County of Northumberland, shown as Lot 31 Deposited Plan 1063965, being part of land notified in Government Gazette No 118 of 15 October 1971, on pages 4049 and 4050.

The land is said to be in the possession of Cessnock City Council.

(RTA Papers FPP 4M2014; RO 85.1503)

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

Notice of Compulsory Acquisition of land at Kings
Langley and Kellyville in the Blacktown City and
Baulkham Hills Shire Council areas

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL those pieces or parcels of land situated in the Blacktown City and Baulkham Hills Shire Council areas, Parishes of Prospect and Castle Hill and County of Cumberland, shown as:

Lot 15 Deposited Plan 1062629 being part of the land in Certificate of Title B1/397347, and said to be in the possession of Anthony Quinn (registered proprietor), John Galea (mortgagee) and Her Most Gracious Majesty Queen Elizabeth II (caveator);

Lots 13 and 17 Deposited Plan 1063682 being the whole of the land in Certificate of Title 6/844963, and said to be in the possession of Roger James Roulston and Janet Roulston (registered proprietors) and National Australia Bank Limited (mortgagee);

Lot 18 Deposited Plan 1063682 being part of the land in Certificate of Title 7/844963, and said to be in the possession of Paul Galea and Mary Galea (registered proprietors), Australia and New Zealand Banking Group Limited (mortgagee) and an occupant; and

Lot 15 Deposited Plan 1063682 being part of the land in Certificate of Title 4/844963, and said to be in the possession of Richard Austin Lindon and Jean Lindon;

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

(RTA Papers: FPP 4M263)

Roads Act 1993

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

Hastings 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.

BERNARD SMITH,
General Manager
Hastings Council
(by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the Hastings Council B-Doubles Notice No 1/2004.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 01/07/2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Hastings Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25m	600	Hastings River Drive, Port Macquarie	Pacific Highway (SH10)	Boundary Street	Limited duration. Expires 30/06/2005
25m	000	Boundary Street, Port Macquarie	Hastings River Drive (MR600)	Port Macquarie Airport	Limited duration. Expires 30/06/2005

Other Notices

ADOPTION ACT 2000

Intercountry Adoptions Pre-Applications, Preparation for Assessments and Assessments – Fee Schedule

PAYMENTS of fees for intercountry adoptions are made in accordance with section 200 of the Adoption Act 2000 and clause 76 of the Adoption Regulation 2003.

This schedule amends Part 1 and replaces Part 3 of Schedule 3 to the Adoption Regulation 1995, which is in force by virtue of clause 10 of Schedule 3 to the Adoption Act 2000.

In accordance with section 200(2) of the Adoption Act 2000 I prescribe the fees set out below to apply on and from 1 July 2004.

For a first intercountry adoption

Information and training	\$640
Assessment	\$4,260
Allocation and Post Placement	\$4,800

For a second and subsequent intercountry adoption

Information and training	nil
Assessment	\$2,100
Allocation and Post Placement	\$4,800

NEIL SHEPHERD,
Director-General,

Department of Community Services

22 June 2004

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977, for Inverell Shire Council to designate and recruit an Indigenous person for a position of Circulation and Support Services Officer, Inverell Shire Public Library.

This exemption will remain in force for a period of ten years from the date given.

Dated this 17th day of June 2004.

BOB DEBUS,
Attorney General

CHARITABLE TRUSTS ACT 1993

NOTICE UNDER SECTION 12

PROPOSED CY-PRES SCHEME RELATING TO

THE ESTATE OF THE LATE BARBARA MAY GLORIA
PILKINGTON

THE deceased, Barbara May Gloria PILKINGTON, died on 27 October 1987. In her will Ms Pilkington bequeathed the residue of her estate to be held on a discretionary trust for the benefit of her husband, Astley Pilkington, for life and

“FROM AND AFTER the death of the survivor of myself and my said husband to hold any unexpended balance thereof UPON TRUST for SAINT ANNE’S NURSING

HOME, 296 Molesworth Street, Lismore for the purchase of equipment or the carrying out of building extensions as the Directors of the Nursing Home shall see fit AND I REQUEST that a commemorative plaque be erected by and at the cost of the said Home in the hall of the existing building or at the entrance of any extensions to the Home to perpetuate the memory of both my husband Astley Reginald Tom Pilkington and myself”.

The testatrix’s husband died on 30 March 1988. A final distribution of funds was made to St Anne’s Nursing Home, a Uniting Church in Australia Property Trust (NSW) residential aged care centre, on 7 March 1990, but an additional asset has recently come into the estate. This is the basis of an application for a cy-pres scheme as St Anne’s Nursing Home has now closed and the residents have been transferred to the Uniting Church Carroona Development at Goonellabah.

I have formed the view that the gift to St Anne’s Nursing Home in the testatrix’s will is a gift for charitable purposes, and I have approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12(1)(a) of the Charitable Trusts Act 1993. The scheme is to apply the funds distributable from the new asset, cy-pres, in favour of the Uniting Church in Australia Property Trust (NSW) to purchase equipment or to carry out building extensions at the Carroona Kalina Nursing Home and the Carroona Marima Nursing Home, both situated on the same site at Goonellabah.

Therefore, pursuant to section 12 of the Charitable Trusts Act 1993, I hereby order that the gift to St Anne’s Nursing Home be amended cy-pres to give it effect in favour of the Uniting Church in Australia Property Trust (NSW), in accordance with the terms of the testatrix’s Will, such order to take effect 21 days after its publication in the Government Gazette, in accordance with section 16(2) of the Charitable Trusts Act 1993.

Date of Order: 23 June 2004.

M. G. SEXTON, SC,
Solicitor General,
under delegation from the Attorney General

FORESTRY ACT 1916

PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

SCHEDULE

Eastern Division

*Land District of Grafton;
Clarence Valley Local Government Area;
North East Forestry Region.*

Ewingar State Forest No. 845, No. 5 Extension. An area of about 3541 square metres in the Parish of Churchill, County of Drake, being the lands within Allotments 1 and 2 of section 1, Allotment 1 of section 2 and Allotment 8 of section 3,

Village of Solferino (Deposited Plan 758909), delineated on plan catalogued 107-1743 in the Department of Lands, Sydney. (5288)

Signed and sealed at Sydney, this 9th day of June 2004.

By Her Excellency's Command,

GRAIG KNOWLES, M.P.,
Minister for Natural Resources

GOD SAVE THE QUEEN!

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board proposes to assign the twenty names listed below as indigenous dual names to the already named features shown:

“**Gubbuh Gubbuh**” as an indigenous dual name for a headland known as “**Middle Head**” and situated about 1km SSE of Grotto Point.

“**Gooree**” as an indigenous dual name for a bay known as “**Chowder Bay**” and situated in Sydney Harbour within Georges Head to the North and Chowder Head to the South.

“**Gooragal**” as an indigenous dual name for a headland known as “**Chowder Head**” and situated about 1 km SW of Georges Head and about 3 km W of The Gap.

“**Booraghee**” as an indigenous dual name for a point known as “**Bradleys Head**” and situated on Port Jackson about 2km E of Fort Denison.

“**Goram Bullagong**” as an indigenous dual name for a bay known as “**Mosmans Bay**” and situated within Port Jackson about 1km S of Cremorne Junction.

“**Weeyuh Weeyuh**” as an indigenous dual name for a bay known as “**Careening Cove**” and situated within Neutral Bay about 1km SE by E of North Sydney Railway Station.

“**Gooweebahree**” as an indigenous dual name for a bay known as “**Lavender Bay**” and situated within Port Jackson about 1km South of North Sydney.

“**Warungareeyuh**” as an indigenous dual name for a point known as “**Blues Point**” and situated within Port Jackson about 1km SSW of Nth Sydney.

“**Tumbalong**” as an indigenous dual name with the designation of bay for a bay known as “**Darling Harbour**” and designated as a port which is situated within Port Jackson about 4km S of Crows Nest.

“**Meeliyahwool**” as an indigenous dual name for a cove known as “**Campbells Cove**” and situated within Sydney Cove between the Overseas Passenger Terminal and Dawes Point Reserve.

“**Warrane**” as an indigenous dual name for a cove known as “**Sydney Cove**” and situated within Port Jackson North of Circular Quay.

“**Dubbagullee**” as an indigenous dual name for a point known as “**Bennelong Point**” and situated approx 500m SE by E of Dawes Point / Tar-ra.

“**Wahganmuggalee**” as an indigenous dual name for a cove known as “**Farm Cove**” and situated within Port Jackson about 1 km S of Kirribilli Point.

“**Yurong**” as an indigenous dual name for a point known as “**Mrs Macquaries Point**” and situated in Port Jackson about 2km WNW of Darling Point.

“**Muddawahnyuh**” as an indigenous dual name for an island known as “**Fort Denison**” and situated within Port Jackson about 1 km E by N of Bennelong Point.

“**Darrawunn**” as an indigenous dual name for a point known as “**Potts Point**” for a point now partly joined to Garden Island and located on the east side of Woolloomooloo Bay.

“**Gurrajin**” as an indigenous dual name for a bay known as “**Elizabeth Bay**” and situated within Port Jackson about 1 km S of Garden Island.

“**Jarrowan**” as an indigenous dual name for a point known as “**Elizabeth Point**” and situated adjacent to Elizabeth Bay about 2 km SE by S of Bennelong Point.

“**Yurandubbee**” as an indigenous dual name for a point known as “**Macleay Point**” and situated adjacent to Rushcutters Bay about 1km WSW of Darling Point.

“**Boowambillee**” as an indigenous dual name for an island known as “**Shark Island**” and situated in Sydney Harbour about 1 km SW of Steel Point.

The above forty names will be entered into the Geographical Names Register as dual names and in each case **neither name will have precedence over the other**.

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 written notice with that comment.

The position and extents and pronunciation for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

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

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name Greens Point, designation Point, Folio 2195, 23rd April 2004, the name was incorrectly spelt and should read Green Point, this notice corrects that error.

W. WATKINS,
Chairman

Geographical Names Board,
PO Box 143 BATHURST NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name The Devils Wilderness, Folio 5629, 7th November 1969, the designation was given in error as District, the correct designation for this feature is Region.

W. WATKINS,
Chairman

Geographical Names Board
PO Box 143 BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name Wild Dog Mountains, Folio 5421, 24th May 1968, the designation was given in error as District, the correct designation for this feature is Region.

W. WATKINS,
Chairman

Geographical Names Board
PO Box 143 BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name Cooleman Mountains, Folio 9635, 29 May 1970. The notice incorrectly stated the designation as Mountain, the correct designation is Range, this notice corrects that error.

W. WATKINS,
Chairman

Geographical Names Board
PO Box 143 BATHURST NSW 2795

HERITAGE ACT 1977

Direction Pursuant to Section 34(1)(A)
to list an Item on the State Heritage Register

Jenolan Caves Reserve

SHR No 1698

IN pursuance of Section 34(1)(a) of the Heritage Act, 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B". The listing is subject to the exemptions from approval under Section 57(2) of the Heritage Act, 1977, described in Schedule "C" and in addition to the standard exemptions.

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)
Sydney, 1st June 2004

SCHEDULE "A"

The item known as Jenolan Caves Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Crown Reserve 190098, of lots 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, DP 728898, in the Parish of Jenolan, County of Westmoreland as shown on the plan catalogued HC 1937 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

1. All activities in accordance with a plan of management adopted by the Jenolan Caves Reserve Trust and endorsed by the Heritage Council;
2. Works and activities for Caves House set out in a conservation management plan endorsed by the Heritage Council;
3. Works and activities in accordance with a conservation management plan endorsed by the Heritage Council or conservation management strategy endorsed by the Director of the Heritage Office for any other cultural elements of the Reserve;

**HUNTER-CENTRAL RIVERS CATCHMENT
MANAGEMENT AUTHORITY**

Determination Concerning Catchment Contributions
1 July 2004 to 30 June 2005
(Schedule 4 of the Catchment Management Authorities
Act 2003)

THE Hunter-Central Rivers Catchment Management Authority in pursuance of Schedule 4 of the Catchment Management Authorities Act (2003) and in accordance with the Catchment Management Authorities (Savings and Transitional) Regulation 2004, does hereby make the following determination in respect of the year commencing 1 July 2004:

- a. It proposes to raise \$2,833,000 by way of catchment contribution.
- b. The catchment contribution is to be levied on all rateable land within the Hunter catchment contribution area as delineated by maps held at the authority's offices.
- c. The basis of the catchment contribution is a rate based on land values provided by the appropriate local government councils.
- d. The catchment contribution rate for the year commencing 1 July 2004 will be 0.0158 of a cent in the dollar (land value).

Dated at Paterson this 31st day of May 2004.

THE COMMON SEAL OF THE)	L.S.
HUNTER-CENTRAL RIVERS)	(Sgd)
CATCHMENT MANAGEMENT)	W.E.J Paradice
AUTHORITY was affixed hereto)	Chairman
this thirty-first day of May 2004)	
pursuant to a resolution of the)	
Authority in the presence of two)	(Sgd)
board members whose signatures)	A. Burns
appear opposite hereto.)	Board Member

LOCAL GOVERNMENT ACT 1993

Kew / Kendall Sewerage – S907

Vesting of Land and Easements in Hastings Council

THE Minister for Energy and Utilities of the State of New South Wales, declares that the land and easements described in the Schedule hereto, which were acquired for the purpose of the Kew / Kendall Sewerage - S907 Scheme are vested in Hastings Council.

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

SCHEDULE

Land

Lot 11 in Deposited Plan 1040955.

Lot 3 in Deposited Plan 1045104.

Lot 1 in Deposited Plan 1045104.

Lot 1 in Deposited Plan 1048212.

Interest in Land

Easements created by Dealing Number AA275465 (SB 55292).

Easements created by Dealing Number AA270529 (SB 55355).

DoC Reference: 245.

LOCAL GOVERNMENT ACT 1993

Moruya Heads Sewerage Augmentation – S866

Vesting of Land and Easements in Eurobodalla Shire Council

THE Minister for Energy and Utilities of the State of New South Wales, declares that the easements described in the Schedule hereto, which were acquired for the purpose of the Moruya Heads Sewerage Augmentation Scheme, are vested in Eurobodalla Shire Council.

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

SCHEDULE

Interest in Land

Easement rights as described under the heading Sewer Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1050693 (SB55408) as: '(A) PROPOSED EASEMENT FOR SEWER PIPELINE 5 WIDE';

Deposited Plan 1052051 (SB55409) as: '(A) PROPOSED EASEMENT FOR SEWER PIPELINE 3 AND 5 WIDE',

within Lot 182 in Deposited Plan 1017102.

DoC Reference: 209.

MUSEUM OF APPLIED ARTS AND SCIENCES ACT 1945

Sale of land by the Museum of Applied Arts and Sciences

HER Excellency the Governor, with the advice of the Executive Council has approved, pursuant to Section 3 of the Museum of Applied Arts and Sciences Act 1945, the sale of lot 3 in deposited plan 1066281 part of property located at the corner of Windsor Road and Showground Road, Castle Hill to the Roads and Traffic Authority.

BOB CARR, M.P.,
Premier and Minister for the Arts

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Blue Mountains National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE*Land District – Picton; LGA – Wollondilly*

County Westmoreland, Parish Jooriland, Leibnitz and Oldbuck, about 204 hectares, being lot 55 DP 757062, lot 94 DP 757057, lot 29 DP 757062, lot 4 DP 757069, the Crown Public Road within lot 55 DP 757062, and the bed of Millnigang Creek separating lot 55 DP 757062 from lot 94 DP 757057 and Blue Mountains National Park; NPWS F/1213, F/1100, F/2637 and F/1039.

Land District – Goulburn; LGA – Mulwaree

County Georgiana, Parish Wiaborough, about 13 hectares, being lot 34 DP 753062 and the bed of Abercrombie River separating lot 34 DP 753062 from Blue Mountains National Park; NPWS F/2694.

Land District – Penrith; LGA – Blue Mountains City

County Megalong, Parish Cook, about 23 hectares, being lot 2 DP 884261 and lot 301 DP 884262 inclusive of Crown Public Road within lot 2 DP 884261; NPWS F/2776.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of

Yengo National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Singleton; LGA – Singleton Shire

County Northumberland, Parish Milbrodale about 510 hectares, being lots 4, 21, 42, 43, 44, 46, 47, 48 & 60 DP 755240 and the Crown Public Road within lots 21, 42, 44, 47, 48, 50 and 55 DP 755240 and the Crown Public Roads separating lots 50 from 55 DP 755240 and lots 50 and 55 DP 755240 from lot 48 DP 755240. NPWSF/2973.

Land District – Singleton; LGA – Cessnock

County Northumberland, Parish Finchley and Werong, about 343 hectares, being lots 3, 8, 9, 11, 14, 15, 16, 17 and 24 DP 755226 and lots 22, 29, 30 and 46 DP 755268, the Crown Public Road separating lot 15 DP 755226 from lot 17 DP 755226 and within lot 17 DP 755226 and strip 20 metres wide embracing formation extending from the Big Yengo Track to the eastern boundary of lot 17 DP 755226. NPWSF/3837 and 02/01867.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Deua National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Moruya; LGA – Eurobodalla

County Dampier, Parish Merricumbene, about 25 hectares, being lot 41 DP 752150 and the Crown Public Road within Lot 41 DP 752150; NPWS A/6567.

Land District – Braidwood; LGA – Tallaganda Shire

County St Vincent, Parish Tallaganda, 216.8 hectares, being lot 12 DP 1014096 excluding Crown Public Roads; NPWS F/2638.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Deua National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Moruya; LGA – Eurobodalla

County St Vincent, Parish Milo, 27.42 hectares, being lot 121 DP 755945; NPWS F/3149.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Goulburn River National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Muswellbrook; LGA – Merriwa

County Brisbane, Parish Goulburn and Campbell about 33 hectares, being lot 37 DP 750916 and lot 12 DP 750927; inclusive of Crown Public Road within lot 12 DP 750927; NPWS 03/04185 and F/3838.

*Land District – Muswellbrook and Rylstone;
LGA – Rylstone & Merriwa*

County Brisbane and Phillip, Parish Campbell and Murrumbidgee about 293 hectares, being lot 1 DP 528520, lots 1, 2 and 57 DP 750916, lots 10, 21, 22, 30, 40, 56, 58, 59, 73 and 74 DP 755443 and that part of the bed of Goulburn River extending downstream from the western boundary of lot 1 DP 750916 to the easterly prolongation of the southern boundary of lot 21 DP 755443; inclusive of Crown Public Roads within lots 58, 10, 73, 30, 40, 21 & 56 DP 755443, lots 1, 2 & 57 DP 750916 and the Crown Public Road situated in the northern part of lot 59 DP 755443; exclusive of Crown Public Roads within lot 22 DP 755443, lot 1 DP 528520 and the southern part of lot 59 DP 755443; NPWS 02/07307.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Wollemi National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

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SCHEDULE

Land District – Rylstone; LGA – Rylstone

County Phillip, Parish Growee, Simpson and Widden about 65 hectares, being lot 188 DP 755432, lot 56 DP 755449 and lot 43 DP 755452 and the Crown Public Road within lot 43 DP 755452; NPWS F/3950, A/5993 and 92/P/7656.

Land District – Muswellbrook; LGA – Singleton

County Hunter, Parish Poppong, 27.64 hectares, being lot 1 DP 881867; NPWS F/1665.

Land District – Lithgow; LGA – City of Greater Lithgow

County Cook, Parish Gindantherie, 0.6045 hectares, being lot 27 DP 821062; NPWS F/2458.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Wollemi National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 16th day of June 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

—————
SCHEDULE

Land District – Lithgow; LGA – City of Greater Lithgow

County Cook, Parish Gindantherie, 364.18 hectares, being lot 24 DP 724528 and lots 25 and 26 DP 724563; NPWS F/104.

NATIONAL PARKS AND WILDLIFE ACT 1974

Dunggir National Park

Ngambaa Nature Reserve

Dalrymple-Hay Nature Reserve

Nangar National Park

Plans of Management

A plan of management for Dunggir National Park and a plan of management for Ngambaa Nature Reserve were adopted by the Minister for the Environment on 12 May 2004.

A plan of management for Dalrymple-Hay Nature Reserve was adopted by the Minister on 19 May 2004.

A plan of management for Nangar National Park was adopted by the Minister on 31 May 2004.

Copies of the Dunggir and Ngambaa plans may be obtained from the NPWS office, Marina Drive, Coffs Harbour, NSW 2450 (phone 6652 0900); copies of the Dalrymple-Hay plan may be obtained from the Lane Cove National Park office, Lady Game Drive, Chatswood, NSW 2067 (phone 9412 1811); and copies of the Nangar plan may be obtained from the NPWS office, 83 Lachlan Street, Forbes, NSW 2871 (phone 6851 4429). The plans are also available on the NPWS web site: www.nationalparks.nsw.gov.au.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATURE RESERVE

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Dananbilla Nature Reserve, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 23rd day of June 2004

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

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SCHEDULE

Land District – Young; LGA – Young

County Monteagle, Parish Wambanumba, 105.213 hectares, being Lots 1 and 2 DP859892. NPWS/02/07234.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATURE RESERVE

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of **Queanbeyan Nature Reserve**, under the provisions

of section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 23rd day of June 2004

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Queanbeyan; LGA – Queanbeyan

County Murray, Parish Queanbeyan, 65.37 hectares, being Lot 1 DP828275. NPWS/02/09243.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Ku-ring-gai Chase National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 14th day of January 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Metropolitan; LGA – Warringah

County Cumberland, Parish Broken Bay, about 18.6 hectares, at Duffys Forest, being the area bounded by lot 53, DP 774913, lot 31, DP 836316, Ku-ring-gai Chase National Park, the road separating lot 2, DP 510709 from lot 117, DP 752017, and the road separating lot 1, DP 510709 from the end of the Closed Road adjacent to the north-eastern boundary of lot 53, DP774913. NPWS 02/08707.

PARKING SPACE LEVY ACT 1992

Section 12A

Notice of Determination of Amount of Levy

I, MICHAEL COSTA, Minister for Transport Services in accordance with section 12A of the Parking Space Levy Act 1992 specify that the amount of the levy determined in accordance with section 12 of the Parking Space Levy Act 1992 payable on 1 September 2004 is:

- (a) \$860 for each parking space within a Category 1 area for which the levy is payable, or
- (b) \$430 for each parking space within a Category 2 area for which the levy is payable.

MICHAEL COSTA, M.P.,
Minister for Transport Services

Sydney 22 June 2004

PIPELINES ACT 1967

Licence No. 28 – Variation No. 1

Notification of Grant of Variation of Licence Area

IT is notified that Her Excellency the Governor with the advice of the Executive Council pursuant to the provisions of section 19 of the Pipelines Act 1967, has granted to Great Southern Energy Gas Networks Pty Ltd (ACN 083 199 839), the variation of the Licence Area specified in Licence No. 28 by including therein the lands described in Schedule 1, and excluding therefrom the lands described in Schedule 2.

Signed at Sydney, this 2nd day of June 2004.

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

SCHEDULE 1

Lands to be Included

The piece or parcel of land identified as "K" in the instrument annexed to Deposited Plan DP 1057582, and the piece or parcel of land identified as "a" in the instrument annexed to Deposited Plan DP 1057580 lodged at the Land and Property Information NSW, Sydney office.

SCHEDULE 2

Lands to be Excluded

The piece or parcel of land identified as "L" in the instrument annexed to Deposited Plan DP 1057582, and the piece or parcel of land identified as "b" in the instrument annexed to Deposited Plan DP 1057580 lodged at the Land and Property Information NSW, Sydney office.

PIPELINES ACT 1967

Notification of Vesting of Easements

Great Southern Energy Gas Networks Pty Ltd
Pipeline Licence No. 28
Illabo to Tumut Gas Pipeline

Her Excellency the Governor with the advice of the Executive Council pursuant to the provisions of section 21 of the Pipelines Act 1967, hereby declare that the easements over the lands described in Schedule 1 hereto are vested in Great Southern Energy Gas Networks Pty Ltd (ACN 083 199 839), being Variation No. 1 to Licence No. 28 for the purposes of and incidental to the construction and operation of the pipeline subject to the restrictions as to user as set out in schedule 2 hereto

Signed at Sydney, this 2nd day of June 2004.

Professor MARIE BASHIR, A.C.,
Governor

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

SCHEDULE 1

The piece or parcel of land identified as "K" in the instrument annexed to Deposited Plan DP 1057582, and

the piece or parcel of land marked as "a" in the instrument annexed to Deposited Plan DP 1057580 lodged at the Land and Property Information NSW, Sydney office.

SCHEDULE 2

Restrictions as to User

Without affecting the generality of any requirement imposed by the Pipelines Act 1967 or regulations thereunder, the owner or occupier of land over which there is an easement for pipeline must not within the easement, except with the prior consent in writing of the person in whom the easement is vested:

- (a) Excavate (including blasting), drill or dig.
- (b) Erect, place or permit to be erected or placed any building, structure (including fence posts), plant, apparatus or equipment, earthworks, utility services or other improvements whether permanent or temporary on, over or under the land.
- (c) Alter or disturb existing levels, contours or gradients.
- (d) Plant or cultivate any tree within the easement
- (e) Place on or use any part of the land for the transport, carriage or support of any heavy object, vehicle or implement, which could in any way cause or be likely to cause damage to the pipeline.
- (f) Undertake any other activity that represents a danger to the pipeline or is a danger to the operation of the pipeline or its apparatus or works including signs, vent pipes and cathodic protection systems including anode beds and electrolysis test points.

PIPELINES ACT 1967

Great Southern Energy Gas Networks Pty Ltd
Pipeline Licence No. 28
Illabo to Tumut Gas Pipeline

Notification of Extinguishments Under Section 21A

IT is hereby notified that, pursuant to section 21A of the Pipelines Act 1967, the easements over lands excluded from the Licence Area consequent to the grant of Variation No. 1 to Pipeline Licence No. 28, as specified in the Schedule, are extinguished and such restrictions as to user as may have applied, cease to have effect.

Signed at Sydney, this 2nd day of June 2004.

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

SCHEDULE

The piece or parcel of land identified as "L" in the instrument annexed to Deposited Plan DP 1057582, and the piece or parcel of land identified as "b" in the instrument annexed to Deposited Plan DP 1057580 lodged at the Land and Property Information NSW, Sydney office.

**POISONS AND THERAPEUTIC GOODS ACT
1966**

Authorisation to Supply Restricted Substances

PURSUANT to Clauses 166 and 167 of the Poisons and Therapeutic Goods Regulation 2002, I, JOHN LUMBY, Chief Pharmacist, a duly appointed delegate of the Director-General of the Department of Health, do hereby grant AUTHORITY to registered nurses, hereby specified as a class of persons, to supply those restricted substances listed in the Schedule hereunder either singularly or in combination, pursuant to Clause 52 of that Regulation, subject to the following conditions:

- (1) the nurse is employed in connection with the NSW Adolescent Vaccination Program; and
- (2) the nurse administers a vaccine only in connection with that vaccination program; and
- (3) the nurse has successfully completed the New South Wales Health Department Immunisation Authorisation Program for Registered Nurses employed in the NSW Adolescent Vaccination Program; and
- (4) the storage, pre-vaccination assessment and administration of each vaccine is at all times undertaken in accordance with the procedures specified in the National Health and Medical Research Council's *The Australian Immunisation Handbook*, as in force from time to time; and
- (5) the nurse ensures that a medical practitioner is contactable for medical advice at all times during the vaccination program.

SCHEDULE

meningococcal C vaccine
hepatitis B vaccine
diphtheria vaccine
tetanus vaccine
acellular pertussis vaccine

JOHN LUMBY,
Chief Pharmacist

Department of Health, New South Wales,
Sydney, 24 May 2004.

**PRIVACY AND PERSONAL INFORMATION
PROTECTION ACT 1998**

ORDER

I, ROBERT JOHN DEBUS, M.P., pursuant to section 31 of the Privacy and Personal Information Protection Act 1998, by this Order, make the Privacy Code of Practice for the NSW Public Sector Workplace Profile, which is annexed to this Order, as a privacy code of practice.

R. J. DEBUS, M.P.,
Attorney General

Signed at Sydney, 22nd June 2004.

Note: This Order is made with particular reference to section 31(7), which applies the provisions of the

section to any amendment to an existing Code of Practice. In this case the annexed Code updates the Privacy Code of Practice for the NSW Public Sector Workplace Profile, made by Order of the Honourable J. W. SHAW, Q.C., M.L.C., dated 19 July 1999.

The Privacy Code of Practice for the
NSW Public Sector Workforce Profile

Part 1 – Privacy Code of Practice for the
NSW Public Sector Workforce Profile

1 NSW Public Sector Workforce Profile: Overview

The Workforce Profile is a data collection conducted by the Premier's Department that allows analysis and reporting about the NSW public sector's employment characteristics. Data on EEO group membership and other equity indicator data required by the Director of Equal Opportunity in Public Employment are included in the Workforce Profile.

Data is also collected from private sector employment agencies about the provision of labour hire to the NSW public sector. Labour hire refers to resources charged at an hourly rate and engaged through a private employment agency.

2 Management Arrangements for the Workforce Profile

The Workforce Profile database is managed, under delegation from the Commissioner for Public Employment and in a manner consistent with the intent and provisions of this Code of Practice, by the occupants of authorised positions within Premier's Department, as nominated from time to time by the Director-General in his capacity of Commissioner for Public Employment.

In the first instance, the responsibility for managing and administering the Workforce Profile collection within Premier's Department will be delegated to nominated officers within the Public Employment Office.

The Commissioner for Public Employment will also provide a copy of the Workforce Profile database to the Director of Equal Opportunity in Public Employment for the purpose of fulfilling the Director's program, monitoring and reporting responsibilities as set out in the Anti-Discrimination Act. Access to the database will be given to occupants of positions within the Public Employment Office, as nominated from time to time by the Director of Equal Opportunity in Public Employment, for the same purpose.

The details of administrative provisions giving effect to this Code of Practice are contained in a companion document issued by the Premier's Department and entitled Management Arrangements for the NSW Public Sector Workforce Profile. All staff given access to the Workforce Profile database are required to comply with the provisions of both documents.

The Commissioner for Public Employment will also provide aggregated data to occupants of positions within the NSW Department of Commerce, as nominated by the Director General of the Department of Commerce from time to time. The data supplied will relate to shared corporate services strategy. The data will be used for monitoring and further development of the NSW

Government's Shared Corporate Services Strategy which is managed by the Department of Commerce.

3 Code of Practice

This Code of Practice is the NSW Premier's Department policy document on information privacy for the Workforce Profile data. It is also intended to satisfy the requirements of a Privacy Code of Practice under Part 3 Division 1 of the Privacy and Personal Information Protection Act 1998 (PIIP Act) to the extent that the collection, storage and use of personal data for the purposes of the Workforce Profile involve departures from the Information Protection Principles in Part 2 of the PIIP Act.

All employee data collected for the Workforce Profile is considered to be personal information within the meaning of the PIIP Act. However, statistical or aggregated information disclosed in reports does not constitute personal information.

The Code of Practice was developed with the advice of the office of the Privacy Commissioner (Privacy New South Wales).

4 Information Covered by the Code

The classes of information this Code applies to include, for all public sector officers and employees quarterly and over a 12-month period:

- biographical, including EEO data provided by employees for the purpose of developing and monitoring equal employment opportunity management plans
- employment status (ie. permanent, temporary, casual, etc.)
- remuneration levels (totals and some specifics payments such as overtime and higher duties allowance)
- leave accruals and leave taken (recreation, sick, etc)
- movement in and out of the sector (ie. separation or recruitment)
- Full time Equivalent (FTE)
- Occupation and function

This information has been collected on an annual basis from July/August 1999 and on a quarterly basis from January 2004.

The classes of information this Code applies to include, for all labour hire workers:

- Government Agency that the worker is supplied to
- Category of work
- Job Title
- Total amount and hours invoiced - standard and overtime hours
- Start and finish dates for the amount invoiced
- Gender

This information will be collected on an six monthly basis commencing from July 2004.

5 Usage of the Workforce Profile Data

The information is collected for the purpose of establishing a Workforce Profile that will be used at whole-of-sector or agency level for:

- Workforce planning: For instance, the Workforce Profile will provide data on the age of the workforce, which will assist in determining recruitment and/or training needs in specific areas.
- Benchmarking: Agencies will be able to use the Workforce Profile data to compare their own profile with the whole-of-sector profile.
- Forecasting and costing human resources: The annual collection of information will allow analysis of trends and also future projections of staff levels and costs, based on past experience.
- Assessing policy and strategy development needs: The Workforce Profile data will be helpful in identifying areas in which new policy approaches might be beneficial, for instance flexible working arrangements to assist staff in managing personal and work commitments.
- Assessing the impact of new policies and procedures: The Workforce Profile data will make it much easier to evaluate the effectiveness of new policies and procedures.

6 Information Protection Principles

The Workforce Profile collection consists of anonymous information about individuals using a unique identification code rather than a personal name. It is intended to use this information to generate statistical and aggregated reports, which will not identify individual officers or employees. However, in a small number of instances there will be a capacity to indirectly identify an individual based on a unique combination of characteristics. These features of the data determine a number of requirements that depart from the IPPs. The manner in which the information protection principles are to be applied to the classes of information and the activities described are as follows:

Principle 1: Collection of personal information for lawful purposes

There is no intention to depart from this principle. The collection of information for the purposes of the Workforce Profile comes within the exemptions under section 25(a) or (b) of the Privacy and Personal Information Protection Act, by virtue of the Premier's Department's/Public Employment Office functions under the Public Sector Employment & Management Act 2002. However, to the extent that this collection of personal information involves a further collection by the Premier's Department that is not authorised or intended by the Public Sector Employment and Management Act, it is authorised by this Code of Practice.

Principle 2: Collection of personal information directly from the individual

The Commissioner for Public Employment and his delegates within Premier's Department are responsible for conducting the data collection, assisted by each agency participating in the Workforce Profile. This code authorises collection otherwise than directly from the subject:

- to the extent, if any, that the Workforce Profile involves a collection of personal information which is additional to the collection by the employing public sector agency;

- to the extent that collection of personal information from agencies which are exempted from a requirement to comply with the IPPs (in particular State Owned Corporations) amounts to an initial collection or additional collection.

The Premier's Department is authorised to collect personal information about a person from a private sector employment agency to the extent reasonably necessary for the Premier's Department to collect information described in Part 1.4 of this Code, where that purpose cannot be served by the collection of de-identified information.

The Department of Commerce is authorised to collect personal information about a person from the Premier's Department to the extent reasonably necessary for the Department of Commerce to monitor and further develop the NSW Government's Shared Corporate Services Strategy, where that purpose cannot be served by the collection of de-identified information.

Principle 3: Requirements when collecting personal information

Public sector agencies which collect personal information which will be incorporated into the Workforce profile will be expected to comply with principle 3 where information is collected from the individual and to nominate the Premier's Department as an intended recipient. Agencies which are exempted from a requirement to comply with the IPPs (in particular State Owned Corporations) will be expected to incorporate notification provisions into their internal management provisions.

Collections of the relevant datasets by agencies will include a notice indicating that personal data will be routinely disclosed as anonymous data as part of the Workforce Profile.

Where personal information is collected from agencies which are exempted from a requirement to comply with the IPPs (in particular State Owned Corporations), the Premier's Department's collection is not to be regarded as a further collection requiring notification under this principle.

Principle 4: Other requirements relating to collection of personal information

There is no intention to depart from this principle. Agencies supplying information will be requested to follow standard quality management procedures to ensure the accuracy of information provided for the Workforce Profile.

Principle 5: Retention and Security of personal information

There is no intention to depart from the requirements of this principle. The following measures will be applied with respect to retention and security of personal information collected for the Workforce Profile:

- The data will be kept in safe custody, sufficient to prevent unauthorised access.
- The data will be properly handled and preserved to prevent loss, corruption or deterioration.
- Information about the data held will be made available when required for legislative purposes consistent with this Code of Practice.

The data will be preserved for as long as the purposes for which it was collected may require. Decisions concerning long term retention and final disposal of data from previous years will be made in accordance with the provisions of the State Records Act.

- The data will be protected from unauthorised destruction and/or disposal.
- Where transmission of the data is required, all reasonable measures will be taken to ensure its safety and confidentiality.
- The same requirements for storage, retention and transmission of the data will apply to previous annual datasets kept for comparison and trend analysis purposes.

Principle 6: Information about personal information held by agencies

This Code of Practice contains a summary of the kind of personal information held as part of the Workforce profile, the uses to which this information will be put and the rights of individuals to access and correct their personal information.

This Code of Practice and the companion document entitled Management Arrangements for the Workforce Profile will be provided to participating agencies in the Workforce Profile. These agencies are responsible for advising their staff of their availability.

Principle 7: Access to personal information held by agencies and **Principle 8:** Alteration of personal information

As the Premier's Department will not have the capacity to identify the data relating to a specific applicant, individuals applying for access to or wishing to correct their personal information will be referred to the agency or agencies which provided that information.

Agencies will provide access in accordance with Part 5-4.7 of the Public Sector Personnel Handbook or agency policies on access to staff records. It is the responsibility of each agency providing information for the Workforce Profile to make appropriate amendments (whether by way of corrections, deletions or additions), at the request of the individual to whom the data relates.

Individuals who have had information corrected are entitled, under section 15 (3) of the Privacy and Personal Information Protection Act, to have recipients of the information notified. The agency will inform the NSW Premier's Department about any correction made.

Principle 9: Checking accuracy of personal information before use

The Premier's Department relies on the agency or agencies providing personal information to ensure that, as far as possible, the data is accurate. The Premier's Department and the Director of Equal Opportunity in Public Employment will utilise validity testing procedures to check the accuracy of their aggregate data reports.

Principle 10: Limits on use of personal information

It is not intended to depart from this principle as:

- use by Premier's Department will not involve personal identification of individuals concerned, and

- proposed uses are directly related to the purposes for which the information is collected.

Principle 11: Limits on disclosure of personal information

Data included in reports and otherwise made available as part of the Workforce Profile will not involve a disclosure of personal information as the data will be presented in an aggregated form that does not allow the identification of individuals.

Data requested by Commonwealth and state agencies exercising investigative law enforcement or revenue protection functions for purposes not directly related to the purpose of the Workforce Profile will be made available in accordance with legal exemptions from the IPPs and in accordance with the following provisions:

- the precise authority of the person requesting access must be checked the nature of the access requested must be checked to ensure that only material relevant to the request is released
- compliance with the legislation under which access is required
- the information provided should be restricted to the minimum necessary to satisfy the request.

The Premier's Department is authorised to disclose personal information about a person to the Department of Commerce where the Premier's Department is satisfied that the disclosure of the information is reasonably necessary for the Department of Commerce to monitor and further develop the NSW Government's Shared Corporate Services Strategy.

Principle 12: Special restrictions on disclosure of personal information

Special classes of information may include data on disability status, language background or Aboriginality, provided in compliance with Equal Employment Opportunity policies. Data on leave may directly or indirectly include health-related data. To the extent that disclosure of this data by the collecting agency is not authorised by sections 25,26 (2) or 28 (3) of the PPIP Act, this code authorises disclosure to the extent that it is necessary to fulfil the requirements of the specified data collections of the Workforce Profile.

The Premier's Department is authorised to disclose personal information about a person to the Department of Commerce where the Premier's Department is satisfied that the disclosure of the information is reasonably necessary for the Department of Commerce to monitor and further develop the NSW Government's Shared Corporate Services Strategy and that purpose cannot be served by the disclosure of de-identified information.

7 Implementation and Breaches of the Code of Practice

7.1 Responsibility for implementation

The Director-General of the Premier's Department is responsible for the implementation of the Code of Practice within the Department. Officers of the Premier's Department responsible, under delegation from the Commissioner for Public Employment, for working directly with the Workforce Profile data (and any other employees or contractors granted access to undertake

work related to the Workforce Profile for legitimate purposes) will be required to sign a confidentiality agreement form which specifies compliance with the provisions of this Code.

7.2 Compliance

Once an order making the Code is published in the *NSW Government Gazette* (or on such later date as may be specified in the order), a public sector agency, person, or body to whom this Code of Practice applies must comply with its provisions. Failure to comply will be subject to established public sector disciplinary procedures. Prompt and rigorous action will be taken to review any allegation of conduct or process that breaches the Code of Practice's provisions. Breaches of the Code can give rise to a right for review involving an investigation of that conduct and unauthorised disclosure of information protected by this Code could attract penalties under the Privacy and Personal Information Protection Act.

7.3 Complaints

Concerns regarding possible breaches of this Code of Practice should be addressed to the Director-General of the NSW Premier's Department in the first instance.

8 Review of the Code of Practice

The Premier's Department will review the Code of Practice at regular intervals to ensure that it still reflects the processes whereby personal information is collected and used. The Director-General of the NSW Premier's Department is responsible for ensuring that reviews are conducted and that key stakeholders are consulted as appropriate as part of the reviews.

PUBLIC NOTARIES ACT 1997

NOTARIES RECOMMENDED SCALE OF FEES

1 July 2004

	Fee	Fee+GST
1. Affidavits, Affirmations, Declarations		
Administering an oath or affirmation or taking a declaration and signing jurat	\$65.45	\$72.
Each additional deponent etc at the same time	32.72	36.
2. Deeds or other Unsworn Documents		
Witnessing and attesting execution or signing of a deed or other document	65.45	72.
Each additional individual etc at the same time	32.72	36.
3. Verification of copy documents		
Examining copies (photographic or otherwise) with original for verification – per 6 minute time unit, or part thereof	32.72	36.
Notarial Certificate verifying copy document	100.00	110.
4. Notarial Certificates		
Preparing Notarial Certificate verifying execution of a document by one individual, and completing the Certificate	100.00	110.
Each additional individual at the same time	43.63	48.
Preparing Notarial Certificate verifying execution of document by a corporation with declaration and exhibit, and completing the Certificate	209.09	230.
Preparing and completing Notarial Certificate not otherwise prescribed – per 6 minute time unit, or part thereof	32.72	36.
5. Bills of Exchange		
Noting bill of exchange, including supplying one copy of note, entering in register, for each hour or part thereof	163.63	180.
Protesting bill, including supplying one copy of the protest, if at the same time as noting	109.09	120.
If protested later	231.81	255.
6. Ship's Protest		
Noting	200.00	220.
Copy	10.90	12.
Certified copy	200.00	220.
Additional Certified Copy	65.45	72.
Extending and preparing extended protest – an appropriate hourly rate		
7. Miscellaneous		
Attendances – away from office or not otherwise provided for; – drawing and engrossing documents; and – other matters.		
For Notary's time per six minute time unit or part thereof	32.72	36.
For any Clerk per hour (pro rata for proportionate part)	90.00	99.
Photocopying, Facsimilies up to 15 pages included in above scales, exceeding 15, then per page	1.50	1.65
All other outlays and out of pocket expenses to be added to above scales		

The Scale sets out the base fee and the fee inclusive of GST.

This Scale reflects increases in professional office overheads and expenses during the past 24 months.

WATER MANAGEMENT ACT 2000**ORDER****Fish River Water Supply Scheme – Water Prices**

IN pursuance of section 243 (3) of the Water Management Act 2000, The prices for water supplied from the Fish River Water Supply Scheme for the year 2004-2005 are according to the following Schedule effective from the date of publication in the government gazette.

SCHEDULE

Consumer	Minimum Annual Quantity ML/a	Access Rate Cents/kL	Fixed Access Charge \$	Use Rate up to MAQ Cents /kL	Use Rate above MAQ Cents /kL
Bulk Raw Water					
Delta Electricity	8184	20	1,636,800	22.5	42.5
SCA	3650	20	730,000	22.5	42.5
Oberon Council	750	20	150,000	22.5	42.5
Total	12584	20	2,516,800	22.5	42.5
Minor Consumers	0.200	25	50	45.0	70.0
Bulk Filtered Water					
Lithgow Council	2092	30	627,600	32.5	62.5
Minor Consumers	0.200	35	70	55.0	90.0

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

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

CABONNE COUNCIL

Renaming of Public Roads – Packham Drive, Hunter Caldwell Road, Woods Road and Pratten Road

NOTICE is hereby given that Cabonne Council, in pursuance of section 162 of the Roads Act 1993, has renamed the roads described hereunder:

<i>Description of Road</i>	<i>New Name</i>
Molong-Manildra Road.	Packham Drive.
Caldwell Road.	Hunter Caldwell Road.
Wood's Road at Garra.	Woods Road.
Prattens Road and the formed section of Cheesemans Creek Road.	Pratten Road.

Authorised by resolution of Council on 17th May, 2004.
G. L. P. FLEMING, General Manager, Cabonne Council,
PO Box 17, MOLONG, NSW 2866. [0427]

CESSNOCK CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Great North Road, Paynes Crossing Road, Angophora Drive, Turpentine Close, Kurrajong Way, Howe Street, Wollombi Road, Barnard Road, Mount Baker Road and Moon Mountain Drive

NOTICE is hereby given that Cessnock City Council, in pursuance of section 162 of the Roads Act 1993, hereby names the roads described below as shown.

<i>Description</i>	<i>Name</i>
The road from its intersection with the road to Wisemans Ferry at Bucketty to Maitland Road, Wollombi including the intersection.	Great North Road.
The road from Maitland Road, Wollombi to the Cessnock City Council boundary at Paynes Crossing.	Paynes Crossing Road.
The roads in "The Vintage" Development subdivision at Rothbury.	Angophora Drive, Turpentine Close and Kurrajong Way.

The road in the "Heddon Leigh" subdivision at Heddon Greta. Howe Street.

The road from Vincent Street, Cessnock to the intersection of Maitland Road, Wollombi with the roads to Paynes Crossing and Bucketty. Wollombi Road.

Off Majors Lane, Keinbah. Barnard Road.

Off Mount View Road, Mount View. Mount Baker Road.

Off Bimbadeen Road, Mount View. Moon Mountain Drive.

COLIN COWAN, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock, NSW 2325. (Reference: RD 134/904). [0429]

MID-WESTERN REGIONAL COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Flinders Avenue, Glenayr Close, Banjo Patterson Avenue, White Circle, Hardy Crescent, Yarra Court and Lambing Hill Road

NOTICE is hereby given that in accordance with section 162 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<i>Location</i>	<i>Name</i>
Road off Henry Bayly Drive running east between Madeira Road and Dewhurst Drive.	Flinders Avenue.
Road off Flinders Avenue running south.	Glenayr Close.
Road off Bellevue Road running north.	Banjo Patterson Avenue.
Road off Banjo Patterson Avenue running east.	White Circle.
Road off White Circle running west.	Hardy Crescent.
Road off Bumberra Place running south.	Yarra Court.
Road previously known as Cobbora Road in the locality of Goolma.	Lambing Hill Road.

No objections to the proposed names were received within the prescribed period of time. GARRY STYLES, Acting General Manager, Mid-Western Regional Council, 86 Market Street (PO Box 156), MUDGEE, NSW 2850, tel.: (02) 6372 5888, fax: (02) 6372 5815, email: council@mudgee.nsw.gov.au [0428]

SHOALHAVEN CITY COUNCIL

Local Government Act 1993, Section 715

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Shoalhaven City Council has resolved in pursuance of section 715 (1) (b) of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates stated in each case, as at 7th June, 2004 is due.

Owner or person having interest in the land	Description of land	Amount of rates (including extra charges) overdue for more than five years	Amount of all other rates (including extra charges) due and in arrears	Total
(a)	(b)	(c) \$	(d) \$	(e) \$
BASTEX HOLDINGS PTY LIMITED.	Lot 569, DP 8399, Lusitania Avenue, Basin View.	4,613.39	3,315.17	7,928.56
R. and C. ANDERSSON.	Lot 525, DP 8399, Lusitania Avenue, Basin View.	3,525.69	2,943.19	6,468.88
MEADOW GLEN PTY LIMITED.	Lot 1, DP 662072, Millbank Road, Terara.	3,877.35	3,412.05	7,289.40
P. S. FULLER.	Lot 284, DP 755967, 236 Princes Highway, Ulladulla.	1,548.01	9,604.01	1,1152.02
Estate H. CARRICK and Estate J. CARRICK.	Lot 1, DP 721824, Upper Kangaroo River Road, Upper Kangaroo River.	268.76	1,935.37	2,204.13

In default of payment to the Council of the amount stated in Column (e) above and any rates (including extra charges) becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale at public auction at the Showground Committee room, Nowra Showground, West Street, Nowra on 6th November, 2004 commencing at 11.00 a.m. For further information relating to rates and charges, please contact the Shoalhaven City Council, Bridge Road, Nowra, telephone (02) 4429 3111, attention Mike Donnelly. SHOALHAVEN CITY COUNCIL, PO Box 42, Nowra, NSW 2541.

[0437]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of STELLA IRENE FISHER late of 36 Omaha Street, Belfield in the State of New South Wales, widow, who died on 18th January, 2002 must send particulars of his claim to the executors, Dennis Fisher and Joyce Pauline Potts, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South, NSW 1235 within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 1st June, 2004 as number 108140/04. STEVE MASSELOS & CO., A Solicitor Corporation, Level 2, 114-120 Castlereagh Street, Sydney, NSW 2000 (PO Box A988, Sydney South, NSW 1235) (DX 305, Sydney), tel.: (02) 9264 7022. [0430]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAVIS JOYCE JEFFCOAT late of 23 Beaconsfield Road, Mortdale in the State of New South Wales, who died on 9th February, 2004 must send particulars of his claim to the executors, John Douglas Jeffcoat and Alan Keith Jeffcoat, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 20th May, 2004. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale, NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022. [0431]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BEVERLEY LILLIAN WARD late of 48 Ridge Street, Batemans Bay in the State of New South Wales, married woman, who died on 10th January, 2004 must send particulars of his claim to the executor, John Patrick Ward, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South, NSW 1235 within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 25th May, 2004 as number 108181/04. STEVE MASSELOS & CO., A Solicitor Corporation, Level 2, 114-120 Castlereagh Street, Sydney, NSW 2000 (PO Box A988, Sydney South, NSW 1235) (DX 305, Sydney), tel.: (02) 9264 7022. [0432]

COMPANY NOTICES

NOTICE of resolution.—NETFINITE BUSINESS SOLUTIONS PTY LIMITED, ACN 0093 087 391.—Notice is hereby given pursuant to section 491 (2) of the Corporations Act 2001, that at a meeting of creditors of Netfinite Business Solutions Pty Limited held at the offices of Nationwide Accounting Group, Certified Practising Accountants, Level 4, 55 Phillip Street, Parramatta on Wednesday, 16th June, 2004 at 10.00 a.m., the following special resolution was passed unanimously: “That the company being unable to pay its debts as and when they become due, be wound up voluntarily, under the rules and regulations of a creditors’ voluntary winding up, and that David John Doberer FCPA FCIS FCIM ASIA AFAIM, being a registered company liquidator, who through resolution of the sole member earlier this day is acting as liquidator, be and is hereby appointed as liquidator of the company”. DAVID J. DOBERER, Liquidator. [0433]

NOTICE of retirement of agent.—OCHAR PTY LIMITED (Agent for the mortgagee in possession appointed) (In official liquidation), ACN 010 771 525.—Notice is hereby given that Ronald John Dean-Willcocks of Star Dean-Willcocks, Level 1, 32 Martin Place, Sydney, New South Wales, has retired as agent for the mortgagee in possession of the assets and undertakings of the abovenamed company. Dated this 10th day of June 2004. R. J. DEAN-WILLCOCKS, Agent for the Mortgagee. [0434]

NOTICE to declare a dividend.—C. & C. INVESTMENTS PTY LIMITED (In voluntary liquidation), ACN 008 551 255.—A dividend is to be declared on 30th July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 16th July, 2004 to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 23rd June, 2004. M. STUART, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000, tel.: (02) 9299 6521. [0435]

OTHER NOTICES**COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement – Pretty Gully

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest described in land described in the Schedule to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995. Dated at Sydney this 18th day of June 2004. CRAIG MURRAY, Managing Director, Country Energy, Level 25, 44 Market Street, SYDNEY, NSW 2000.

SCHEDULE 1

Easement: Easement for power reticulation 4.6 and 10 wide and variable set out in Parts A and B of Memorandum No. 3820073 registered at Land and Property Information.

Locality: Site of proposed easement for power reticulation 4.6 and 10 wide and variable as shown in DP 1060899. Paddy’s Flat Road, Pretty Gully.

LGA: Tenterfield.

Title: Part Reserve 27799 for access and camping notified 18th June, 1898. Vacant Crown land being the bed of Four Mile Creek and within Reserve 56146 notified 11th May, 1923. Crown public road held by C. F. and P. M. De Fenker under Enclosure Permit 309964.

Parish: Emu.

County: Buller.

The “non-extinguishment principle” as defined in section 238 Native Title Act 1993 (Cth) applies to this acquisition.

[0436]

