



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assent to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 1 December 2005

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. 102 2005 – An Act to amend the Criminal Procedure Act 1986 to provide that a pre-trial order made in proceedings relating to a prescribed sexual offence is binding on the trial Judge. [**Criminal Procedure Amendment (Sexual Offence Case Management) Bill**]

Act No. 103 2005 – An Act to make miscellaneous amendments relating to bail, courts and law enforcement; and for other purposes. [**Crimes and Courts Legislation Amendment Bill**]

Act No. 104 2005 – An Act to amend the Industrial Relations Act 1996 to clarify the unfair contracts jurisdiction of the Industrial Relations Commission, to limit the exclusion of the Commission in Court Session from the supervisory jurisdiction of the Supreme Court, to authorise the Commission in Court Session to be called the Industrial Court of New South Wales and for other purposes. [**Industrial Relations Amendment Bill**]

Legislative Assembly Office, Sydney, 2 December 2005

Act No. 105 2005 – An Act to facilitate funding by James Hardie Industries NV of compensation claims against certain former subsidiaries of the James Hardie corporate group for asbestos-related harm and to provide for the winding up of those former subsidiaries; and for other purposes. [**James Hardie Former Subsidiaries (Winding up and Administration) Bill**]

Act No. 106 2005 – An Act to provide for the extinguishment of certain civil liability of companies and other persons associated with the James Hardie corporate group, to confirm certain contractual liabilities of the State and to make Amaca Pty Limited liable for certain personal asbestos liabilities of Marlew Mining Pty Limited arising from its mining activities at Baryulgil in New South Wales; and for other purposes. [**James Hardie (Civil Liability) Bill**]

Act No. 107 2005 – An Act to provide for the extinguishment of certain liability of companies and other persons associated with the James Hardie corporate group to pay compensation in connection with civil penalties; and for other purposes. [**James Hardie (Civil Liability Compensation Release) Bill**]

Legislative Assembly Office, Sydney, 7 December 2005

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. 108 2005 – An Act to amend the Commission for Children and Young People Act 1998 with respect to child-related employment and the functions of the Commission for Children and Young People; to repeal the Child Protection (Prohibited Employment) Act 1998; and for other purposes. [**Commission for Children and Young People Amendment Bill**]

Act No. 109 2005 – An Act to amend the Mental Health (Criminal Procedure) Act 1990 with respect to inquiries to determine a person's fitness to be tried for an offence and special hearings and to amend the Mental Health Act 1990 in connection with those matters; and for other purposes. [**Mental Health (Criminal Procedure) Amendment Bill**]

Act No. 110 2005 – An Act to amend the Parliamentary Contributory Superannuation Act 1971 and the Parliamentary Remuneration Act 1989 to close the Parliamentary Contributory Superannuation Scheme to new members from the 2007 State general election and to provide instead for an accumulation style superannuation benefit for new members of Parliament; and for other purposes. [**Parliamentary Superannuation Legislation Amendment Bill**]

Act No. 111 2005 – An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes. [**State Revenue Legislation Further Amendment Bill**]

Act No. 112 2005 – An Act to amend the Police Act 1990 and the State Authorities Superannuation Act 1987 with respect to death and incapacity benefits for police officers; and for other purposes. [**Police Amendment (Death and Disability) Bill**]

Act No. 113 2005 – An Act to amend the Workplace Injury Management and Workers Compensation Act 1998 and the Workers Compensation Act 1987 with respect to dispute resolution procedures, insurance obligations, workers, costs and compensation for back injuries; and for other purposes. [**Workers Compensation Legislation Amendment (Miscellaneous Provisions) Bill**]

Act No. 114 2005 – An Act to amend the Terrorism (Police Powers) Act 2002 to authorise preventative detention in connection with terrorist acts, and for other purposes. [**Terrorism (Police Powers) Amendment (Preventative Detention) Bill**]

Act No. 115 2005 – An Act to establish the Building Professionals Board; to provide for the accreditation of certifiers for the purposes of the Environmental Planning and Assessment Act 1979; to provide for the regulation of accredited certifiers, the making of complaints against accredited certifiers and the investigation of certifying authorities; to amend the Environmental Planning and Assessment Act 1979 and other Acts consequentially; and for other purposes. [**Building Professionals Bill**]

Act No. 116 2005 – An Act to make provision with respect to the funding of regulatory activities in relation to mine safety. [**Mine Safety (Cost Recovery) Bill**]

Act No. 117 2005 – An Act to amend the Residential Parks Act 1998 as a consequence of a review carried out under section 156 of that Act and in connection with which a report was tabled in Parliament in December 2004. [**Residential Parks Amendment (Statutory Review) Bill**]

Act No. 118 2005 – An Act to amend the Water Management Act 2000 in relation to plans of management, environmental water and compensation and to amend other legislation consequentially; and for other purposes. [**Water Management Amendment Bill**]

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

Proclamations



New South Wales

Proclamation

under the

Court Security Act 2005 No 1

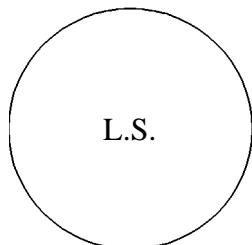
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 *Court Security Act 2005*, do, by this my Proclamation, appoint 9 January 2006 as the day on which that Act commences.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No 43

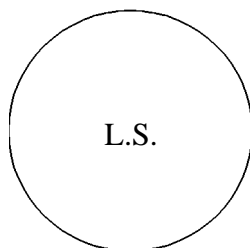
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*, do, by this my Proclamation, appoint 16 December 2005 as the day on which Schedules 7.9, 7.11 and 7.13 to that Act commence.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



FRANK SARTOR, M.P.,
Minister for Planning

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the amendments to the *Lord Howe Island Act 1953*, the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* contained in the *Environmental Planning Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.



New South Wales

Proclamation

under the

Gaming Machines Amendment Act 2005 No 78

JAMES JACOB SPIGELMAN,

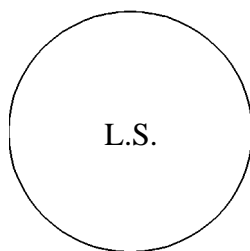
By Deputation from Her Excellency the Governor

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 *Gaming Machines Amendment Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [18],
- (b) Schedule 2 [2]–[6] and [8].

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence certain amendments contained in the *Gaming Machines Amendment Act 2005* that relate to the connection of gaming machines in hotels and clubs to an authorised CMS and that change the casino community benefit levy and fund under the *Casino Control Act 1992* to the responsible gambling levy and fund.



New South Wales

Proclamation

under the

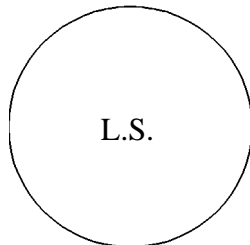
Health Legislation Amendment Act 2005 No 82

JAMES JACOB SPIGELMAN,
By Deputation from Her Excellency the 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 *Health Legislation Amendment Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which that Act, except for Schedules 3 and 6, commences.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Health Legislation Amendment Act 2005* except for Schedules 3 and 6. Schedule 3 of the Act amends section 132 of the *Podiatrists Act 2003* and Schedule 6 of the Act contains provisions that are consequential on the commencement of the *Podiatrists Act 2003*.



New South Wales

Proclamation

under the

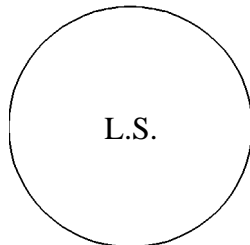
Noxious Weeds Amendment Act 2005 No 29

JAMES JACOB SPIGELMAN,
By Deputation from Her Excellency the 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 *Noxious Weeds Amendment Act 2005*, do, by this my Proclamation, appoint 1 March 2006 as the day on which that Act commences.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

Property Legislation Amendment Act 2005 No 68

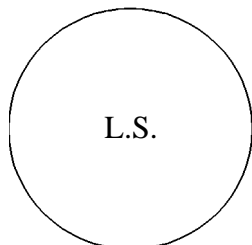
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 *Property Legislation Amendment Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which that Act (except Schedule 1 [7]–[11]) commences.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence on 1 January 2006 the provisions of the *Property Legislation Amendment Act 2005* (other than the amendments made by that Act to the *Real Property Act 1900* relating to the recording and variation of easements, profits à prendre and restrictions on the use of land).



New South Wales

Proclamation

under the

Royal Blind Society (Merger) Act 2005 No 87

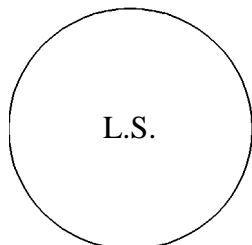
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 *Royal Blind Society (Merger) Act 2005*, do, by this my Proclamation, appoint 16 December 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

Statute Law (Miscellaneous Provisions) Act 2005 No 64

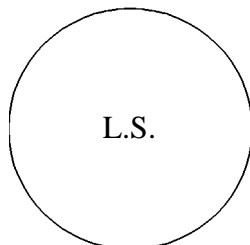
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 (2) of the *Statute Law (Miscellaneous Provisions) Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which Schedule 1.37 [1], [3], [5] and [6] to that Act commence.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,

Minister for Primary Industries

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the amendments to the *Stock Diseases Act 1923* made by Schedule 1.37 [1], [3], [5] and [6] to the *Statute Law (Miscellaneous Provisions) Act 2005*.

Schedule 1.37 [1]–[6] replace references to the Senior Field Veterinary Officer with references to other persons following the removal of the position of Senior Field Veterinary Officer from the staff positions of the Department of Primary Industries. Items [2] and [4] will remain uncommenced at this stage (the commencement of these items is to follow the commencement of the *Stock Diseases Amendment (Artificial Breeding) Act 2004*).

This Proclamation is made under section 2 (2) of, and Schedule 1.37 to, the *Statute Law (Miscellaneous Provisions) Act 2005*.



New South Wales

Proclamation

under the

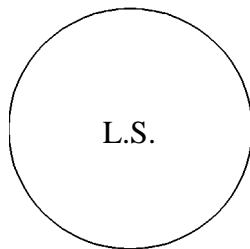
Workers Compensation Legislation Amendment Act 2002
No 124

JAMES JACOB SPIGELMAN,
By Deputation from Her Excellency the 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 *Workers Compensation Legislation Amendment Act 2002*, do, by this my Proclamation, appoint 1 January 2006 as the day on which Schedule 1 to that Act, and section 3 of that Act in its application to the provisions of Schedule 1, commence.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence certain provisions of the *Workers Compensation Legislation Amendment Act 2002* relating to cross-border matters.



New South Wales

Proclamation

under the

Water Management Amendment Act 2005

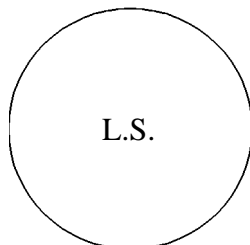
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the 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 (1) of the *Water Management Amendment Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,
Minister for Natural Resources

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Water Management Amendment Act 2005*. The uncommenced provisions are all of the provisions of that Act except provisions validating certain management plans, and provisions relating to transitional matters for replacement access licences for existing water entitlements, which commenced on the date of assent to the Act.



New South Wales

Proclamation

under the

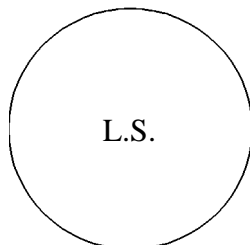
Valuers Act 2003

JAMES JACOB SPIGELMAN,
By Deputation from Her Excellency the 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 clause 4 of Schedule 2 to the *Valuers Act 2003*, do, by this my Proclamation, appoint 16 December 2005 as the day on which that clause ceases to have effect.

Signed and sealed at Sydney, this 14th day of December 2005.

By Her Excellency's Command,



DIANE BEAMER, M.P.,
Minister for Fair Trading

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to omit a provision of the *Valuers Act 2003* that prevents applications concerning the registration of valuers from being made by means of electronic communication. The omission of that provision will facilitate the introduction of on-line registration.

Regulations



New South Wales

Building and Construction Industry Long Service Payments Amendment Regulation 2005

under the

Building and Construction Industry Long Service Payments Act
1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Building and Construction Industry Long Service Payments Act 1986*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

Section 35 of the *Building and Construction Industry Long Service Payments Act 1986* provides that the long service levy payable in respect of the erection of certain buildings is an amount calculated at such rate as may be prescribed of the cost of erecting the building (but not exceeding 0.6 per cent). The object of this Regulation is to increase this rate to 0.35 per cent from 1 January 2006 (the rate has been 0.2 per cent since 1 July 1997).

This Regulation is made under the *Building and Construction Industry Long Service Payments Act 1986*, including sections 35 and 65 (the general regulation-making power).

Clause 1 Building and Construction Industry Long Service Payments Amendment
Regulation 2005

Building and Construction Industry Long Service Payments Amendment Regulation 2005

under the

Building and Construction Industry Long Service Payments Act 1986

1 Name of Regulation

This Regulation is the *Building and Construction Industry Long Service Payments Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Building and Construction Industry Long Service Payments Regulation 2000

The *Building and Construction Industry Long Service Payments Regulation 2000* is amended as set out in Schedule 1.

Building and Construction Industry Long Service Payments Amendment
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 9 Prescribed rate of long service levy

Omit clause 9 (1) (d). Insert instead:

- (d) if the Corporation determines that work on the erection of the building commenced between 1 July 1997 and 31 December 2005—0.2%, or
- (e) if the Corporation determines that work on the erection of the building commenced on or after 1 January 2006—0.35%.

[2] Clause 9 (4) (c) and (d)

Omit clause 9 (4) (c). Insert instead:

- (c) being an additional amount payable between 1 July 1997 and 31 December 2005—is 0.2% of the excess cost of erecting the building, or
- (d) being an additional amount payable on or after 1 January 2006—is 0.35% of the excess cost of erecting the building.

[3] Clause 11 Commencement of work

Omit clause 11 (5). Insert instead:

- (5) The Corporation must not determine that work on the erection of a building commenced between 1 July 1997 and 31 December 2005 unless the Corporation is satisfied that one of the following events occurred:
 - (a) in the case of a building the erection of which required approval under Part 1 of Chapter 7 of the *Local Government Act 1993*—there was lodged with the council, between 1 July 1997 and 31 December 2005, an application for the approval required for the erection of the building,
 - (b) in the case of a building referred to in section 34 (1) (b) of the Act as in force before 1 July 1998—a contract for the erection of the building was entered into between 1 July 1997 and 31 December 2005,

Building and Construction Industry Long Service Payments Amendment
Regulation 2005

Schedule 1 Amendments

- (c) there was lodged with the consent authority under the *Environmental Planning and Assessment Act 1979*, between 1 July 1997 and 31 December 2005, an application under that Act for the development consent or complying development certificate that would enable the erection of the building.
- (6) The Corporation must not determine that work on the erection of a building commenced on or after 1 January 2006 unless the Corporation is satisfied that one of the following events occurred:
 - (a) in the case of a building the erection of which required approval under Part 1 of Chapter 7 of the *Local Government Act 1993*—there was lodged with the council, on or after 1 January 2006, an application for the approval required for the erection of the building,
 - (b) in the case of a building referred to in section 34 (1) (b) of the Act as in force before 1 July 1998—a contract for the erection of the building was entered into on or after 1 January 2006,
 - (c) there was lodged with the consent authority under the *Environmental Planning and Assessment Act 1979*, on or after 1 January 2006, an application under that Act for the approval under Part 3A, the development consent or complying development certificate that would enable the erection of the building.



New South Wales

Casino Control Amendment (Miscellaneous) Regulation 2005

under the

Casino Control Act 1992

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

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

Explanatory note

The objects of this Regulation are as follows:

- (a) to replace a specific reference in the *Casino Control Regulation 2001* to the Casino Community Benefit Fund with a reference to the Responsible Gambling Fund as a consequence of the amendments made to the *Casino Control Act 1992* by Schedule 2 to the *Gaming Machines Amendment Act 2005*,
- (b) to make it clear that other references (including references in any contract or agreement) to the casino community benefit levy and fund are to be construed as references to the responsible gambling levy and fund,
- (c) to modify the list of persons and bodies to whom information that is obtained under the *Casino Control Act 1992* may be disclosed despite the secrecy provisions of that Act,
- (d) to provide that the offence under section 72A of the *Casino Control Act 1992* (which requires problem gambling counselling services to be made available by the casino operator to casino patrons) may be dealt with by way of a penalty notice.

This Regulation is made under the *Casino Control Act 1992*, including sections 148 (2), 168A and 170 (the general regulation-making power) and clause 1 of Schedule 4 (savings and transitional regulations).

Clause 1 Casino Control Amendment (Miscellaneous) Regulation 2005

Casino Control Amendment (Miscellaneous) Regulation 2005

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Miscellaneous) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 34A Provision of problem gambling counselling services

Omit “Casino Community Benefit Fund” from clause 34A (2).

Insert instead “Responsible Gambling Fund”.

[2] Clause 43A

Insert after clause 43:

43A References to casino community benefit levy and fund

(1) In any document:

- (a) a reference to a casino community benefit levy payable under section 115 of the Act is to be construed as a reference to a responsible gambling levy payable under that section, and
- (b) a reference to the Casino Community Benefit Fund is to be construed as a reference to the Responsible Gambling Fund.

(2) In this clause:

document means any Act (other than the *Casino Control Act 1992*) or statutory instrument, or any other instrument, or any contract or agreement.

[3] Schedule 7

Omit the Schedule. Insert instead:

Schedule 7 Persons and bodies prescribed for purposes of section 148 (2) of Act

(Clause 38)

1 Australia

New South Wales Minister for Gaming and Racing
 New South Wales Director-General of the Department of Gaming and Racing
 New South Wales Director of Liquor and Gaming
 Queensland Office of Gaming Regulation
 Victorian Commission for Gambling Regulation
 Gaming Commission of Western Australia
 Western Australian Department of Racing, Gaming and Liquor

Casino Control Amendment (Miscellaneous) Regulation 2005

Schedule 1 Amendments

South Australian Independent Gambling Authority
 South Australian Office of the Liquor and Gambling
 Commissioner
 Tasmanian Gaming Commission
 Tasmanian Department of Treasury and Finance, Revenue,
 Gaming and Licensing Division
 Northern Territory Treasury, Racing, Gaming and Licensing
 Division
 Australian Capital Territory Gambling and Racing Commission
 Commonwealth Casino Surveillance Authority

2 New Zealand

New Zealand Gambling Commission
 New Zealand Department of Internal Affairs

3 Great Britain

The Gambling Commission

4 United States of America

Nevada Gaming Commission
 Nevada Gaming Control Board
 New Jersey Casino Control Commission
 New Jersey Department of Law and Public Safety—Division of
 Gaming Enforcement
 Oregon Department of State Police, Gaming Enforcement
 Division

5 Canada

Alcohol and Gaming Commission, Ontario
 Gaming and Liquor Commission, Alberta
 Gaming Control Commission, Manitoba
 Liquor and Gaming Authority, Saskatchewan

6 Singapore

Ministry of Home Affairs

[4] Schedule 8 Penalty notice offences

Insert in appropriate order in Part 1:

Section 72A (1)	\$1,100
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New South Wales

Court Security Regulation 2005

under the

Court Security Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Court Security Act 2005*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the Victims Compensation Tribunal as a court to which the *Court Security Act 2005 (the Act)* applies, and
- (b) to prescribe the kinds of bags and containers in which exhibits that are restricted items must be enclosed when brought into court premises, and
- (c) to prescribe certain uses of recording devices in court premises as being permissible uses for the purposes of section 9 of the Act, and
- (d) to prescribe the form of identification for security officers who are not also sheriff's officers, and
- (e) to prescribe certain offences under the Act as penalty notice offences.

This Regulation is made under the *Court Security Act 2005*, including paragraph (n) of the definition of *court* in section 4 (1) and sections 8 (2) (a) (ii), 9 (2) (e), 21 (3), 29 and 30 (the general regulation-making power).

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

Court Security Regulation 2005

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Clause 1 Court Security Regulation 2005

Court Security Regulation 2005

under the

Court Security Act 2005

1 Name of Regulation

This Regulation is the *Court Security Regulation 2005*.

2 Commencement

This Regulation commences on 9 January 2006.

3 Definition

In this Regulation:

the Act means the *Court Security Act 2005*.

4 Definition of “court”: sec 4 (1)

The Victims Compensation Tribunal is prescribed for the purposes of paragraph (n) of the definition of *court* in section 4 (1) of the Act.

5 Prescribed containers for exhibits that are restricted items: sec 8 (2) (a) (ii)

A bag or container is prescribed for the purposes of section 8 (2) (a) (ii) of the Act if:

- (a) the insignia of the Sheriff is printed on the bag or container in a conspicuous position, and
- (b) the bag or container is issued by a court security officer.

6 Permissible uses of recording devices: sec 9 (2) (e)

The use of recording devices in any of the following circumstances is prescribed for the purposes of section 9 (2) (e) of the Act:

- (a) the use of recording devices in the court premises of the Administrative Decisions Tribunal with the approval of the registrar of the Tribunal,
- (b) the use of recording devices in the court premises of a Local Court with the approval of the registrar of the Court.

Clause 7 Court Security Regulation 2005

7 Prescribed form of identification for security officers: sec 21 (3)

The prescribed form for a certificate of identification referred to in section 21 (3) of the Act for a security officer appointed under section 21 (1) (b) of the Act is Form 1 in Schedule 1.

8 Penalty notice offences and penalties: sec 29

- (1) For the purposes of section 29 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 2 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of that Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Court Security Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

Form 1 Certificate of identification

(Clause 7)

(Court Security Act 2005, section 21 (3))

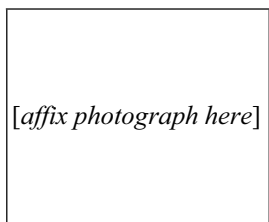
I, the Sheriff of New South Wales, certify that the holder of this certificate:

[Insert name of security officer]

whose photograph, *name/authority number and signature appear below, is a security officer for the purposes of the *Court Security Act 2005* who is authorised to exercise in court premises the powers of a security officer under that Act.

[Insert Name or Authority number]

*Name/Authority number



.....
Signature of security officer

.....
Signature of Sheriff

*Omit either name or authority number, as required

Court Security Regulation 2005

Schedule 2 Penalty notice offences

Schedule 2 Penalty notice offences

(Clause 8)

Column 1	Column 2
Provision	Penalty (\$)
Offences under the Act	
Section 10 (4)	110
Section 11 (3)	110
Section 15 (2)	110



New South Wales

Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2005

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*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The objects of this Regulation are as follows:

- (a) to continue the operation of section 74 of the *Mining Act 1992* (Mining unaffected by *Environmental Planning and Assessment Act 1979*) despite its repeal by Schedule 7.11 to the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*, but only in relation to an existing mining lease and only for a limited transitional period or until such time as an approval under Part 3A of the *Environmental Planning and Assessment Act 1979* (the **EP&A Act**) is given to carry out mining operations in the mining area to which the existing mining lease applies,
- (b) to provide that clause 28 of Schedule 1 to the *Mining Act 1992* (which prevents a person from objecting to the granting of a mining lease under that Act if the person is entitled under the EP&A Act to make submissions in relation to the granting of development consent for mining purposes) is also taken to apply to persons who are entitled to make submissions under section 75H of the EP&A Act in relation to the approval of Part 3A projects,
- (c) to provide that a council is to specify, in a planning certificate under section 149 of the EP&A Act, if the land concerned is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act,
- (d) to extend (until 30 June 2006) existing transitional arrangements in relation to the environmental assessment of certain fishing activities,

Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2005

Explanatory note

(e) to enable RailCorp and the Transport Infrastructure Development Corporation to issue subdivision certificates for the purposes of Part 4A of the EP&A Act (Certification of development),

(f) to correct a reference to the name of an Act in relation to the Sydney Opera House.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 109D (1) (d) (iii), 110 (1) (k), 115R (2) (b), 149 (2) and 157 (the general regulation-making power) and Part 1 of Schedule 6 (savings and transitional regulations).

Environmental Planning and Assessment Amendment (Miscellaneous)
Regulation 2005

Clause 1

Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 16 December 2005.

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 (Miscellaneous)
Regulation 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clauses 8K and 8L

Insert after clause 8J:

8K Transitional provision—existing mining leases

- (1) Despite its repeal by Schedule 7.11 to the Amending Act, section 74 of the *Mining Act 1992* (Mining unaffected by *Environmental Planning and Assessment Act 1979*) continues to have effect in respect of an existing mining lease until:
 - (a) the end of the relevant transition period, or
 - (b) such time as an approval is given to carry out mining operations in the mining area,
 whichever is the sooner.
- (2) However, if any such approval is limited to the carrying out of mining operations in a part of the mining area only, section 74 of the *Mining Act 1992* continues to have effect in respect of so much of the existing mining lease as relates to the other parts of the mining area, but only until the end of the relevant transition period or until such time as an approval is given to carry out mining operations in those other parts (whichever is the sooner).
- (3) In this clause:

Amending Act means the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.

approval means an approval under Part 3A of the Act, but does not include the approval of a concept plan under that Part.

existing mining lease means a mining lease in force immediately before the relevant commencement.

mining area, mining lease and **mining operations** have the same meanings as in the *Mining Act 1992*.

relevant commencement means the date on which Schedule 7.11 to the Amending Act commences.

relevant transition period means:

 - (a) in the case of an existing mining lease in respect of which mining operations are carried out underground—the period ending on the fifth anniversary of the relevant commencement, or

Environmental Planning and Assessment Amendment (Miscellaneous)
Regulation 2005

Amendments

Schedule 1

-
- (b) in the case of any other existing mining lease—the period ending on the second anniversary of the relevant commencement.

8L Transitional provision—objections under Mining Act in relation to Part 3A projects

- (1) The reference in clause 28 (b) of Schedule 1 to the *Mining Act 1992* to any person who is entitled to make submissions in relation to the granting of development consent to use land for the purpose of obtaining minerals or for one or more mining purposes (*the relevant development*) is taken to include:
- (a) if the relevant development is development to which Part 3A of the Act applies—a reference to any person who is entitled, under section 75H of the Act, to make a written submission in relation to the approval of that project, or
- (b) if the Director-General has, under clause 8J (3) of this Regulation, accepted a period of public exhibition of an environmental impact assessment with respect to the relevant development before it becomes a project to which Part 3A of the Act applies—a reference to any person who was entitled to make a written submission during the public exhibition period in relation to the relevant development.
- (2) Pursuant to Part 1 of Schedule 6 to the Act, this clause is taken to have commenced on the commencement of Part 3A of the Act.

[2] Clause 160A Prescribed persons: subdivision certificates

Insert after clause 160A (c):

- (d) Rail Corporation New South Wales,
(e) Transport Infrastructure Development Corporation.

[3] Clauses 244B (1) and 244C

Omit “31 December 2005” wherever occurring. Insert instead “30 June 2006”.

[4] Clause 288 Special provision relating to Sydney Opera House

Omit “*Sydney Opera House Act 1960*” from the definition of *Management Plan for the Sydney Opera House* in clause 288 (3).

Insert instead “*Sydney Opera House Trust Act 1961*”.

Environmental Planning and Assessment Amendment (Miscellaneous)
Regulation 2005

Schedule 1 Amendments

[5] Schedule 4 Planning certificates

Insert after clause 11:

12 Property vegetation plans

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).



New South Wales

Health Administration Amendment (Root Cause Analysis Teams) Regulation (No 2) 2005

under the

Health Administration Act 1982

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

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

Explanatory note

The object of this Regulation is to amend the *Health Administration Regulation 2005* as follows:

- (a) to prescribe the Royal Flying Doctor Service of Australia (South Eastern Section) as a relevant health organisation for the purpose of Division 6C (Root cause analysis teams) of Part 2 of the *Health Administration Act 1982*,
- (b) to prescribe an incident of a type set out in a new Department of Health policy directive as a reportable incident for the purpose of that Division.

This Regulation is made under the *Health Administration Act 1982*, including the definitions of **relevant health services organisation** and **reportable incident** in section 20L, and section 34 (the general regulation-making power).

Clause 1 Health Administration Amendment (Root Cause Analysis Teams)
Regulation (No 2) 2005

Health Administration Amendment (Root Cause Analysis Teams) Regulation (No 2) 2005

under the

Health Administration Act 1982

1 Name of Regulation

This Regulation is the *Health Administration Amendment (Root Cause Analysis Teams) Regulation (No 2) 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Health Administration Regulation 2005

The *Health Administration Regulation 2005* is amended as set out in Schedule 1.

Health Administration Amendment (Root Cause Analysis Teams)
Regulation (No 2) 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 12 Relevant health services organisation

Insert after clause 12 (2) (g):

- (ga) Royal Flying Doctor Service of Australia (South Eastern Section),

[2] Clause 13

Omit the clause. Insert instead:

13 Reportable incident

- (1) For the purpose of Division 6C of Part 2 of the Act, a reportable incident means an incident of a type set out in the document entitled *NSW Department of Health Policy Directive PD2005_634 Reportable Incident Definition under section 20L of the Health Administration Act*, as published in the Gazette on the relevant date.
- (2) In this clause:
relevant date means the date on which the *Health Administration Amendment (Root Cause Analysis Teams) Regulation (No 2) 2005* was published in the Gazette.



New South Wales

Home Building Further Amendment (Application Fees) Regulation 2005

under the

Home Building Act 1989

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

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary application fees for the restoration of contractor licences and building consultancy licences payable under the *Home Building Act 1989*.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the restoration application fee is double the processing component of the renewal application fee, and
- (b) the restoration application fee is higher than the renewal application fee but lower than the application fee for a new licence.

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power).

Clause 1 Home Building Further Amendment (Application Fees) Regulation 2005

Home Building Further Amendment (Application Fees) Regulation 2005

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Further Amendment (Application Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

3 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Further Amendment (Application Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Application fees

(Clause 42)

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Contractor licence				
Building contractor or supplier of kit homes				
(Individual) New licence	1 year	\$215	\$279	\$494
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
Renewal	1 year	\$51	\$279	\$330
Restoration	1 year	\$102	\$279	\$381

Home Building Further Amendment (Application Fees) Regulation 2005

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
(Partnership) New licence	1 year	\$502	\$323	\$825
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
Renewal	1 year	\$51	\$323	\$374
Restoration	1 year	\$102	\$323	\$425
(Corporation) New licence	1 year	\$547	\$443	\$990
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89

Home Building Further Amendment (Application Fees) Regulation 2005

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Renewal	1 year	\$51	\$443	\$494
Restoration	1 year	\$102	\$443	\$545
Other construction or specialist contractor				
(Individual) New licence	1 year	\$109	\$114	\$223
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)-(ab) or (2) (a)-(j)	Not applicable	\$89	Nil	\$89
Renewal	1 year	\$51	\$114	\$165
Restoration	1 year	\$102	\$114	\$216
(Partnership) New licence	1 year	\$116	\$196	\$312
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$502	Nil	\$502

Home Building Further Amendment (Application Fees) Regulation 2005

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
Renewal	1 year	\$51	\$196	\$247
Restoration	1 year	\$102	\$196	\$298
(Corporation) New licence	1 year	\$116	\$241	\$357
Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$547	Nil	\$547
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
Renewal	1 year	\$51	\$241	\$292
Restoration	1 year	\$102	\$241	\$343
Building consultancy licence				
(Individual) New licence	1 year	\$215	\$279	\$494
Renewal	1 year	\$51	\$279	\$330
Restoration	1 year	\$102	\$279	\$381

Home Building Further Amendment (Application Fees) Regulation 2005

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
(Partnership) New licence	1 year	\$502	\$323	\$825
Renewal	1 year	\$51	\$323	\$374
Restoration	1 year	\$102	\$323	\$425
(Corporation) New licence	1 year	\$547	\$443	\$990
Renewal	1 year	\$51	\$443	\$494
Restoration	1 year	\$102	\$443	\$545
Supervisor certificate				
Building supervisor				
(Individual) New Certificate	1 year	\$62	\$116	\$178
Variation to add a category or categories referred to in clause 46	Not applicable	\$62	Nil	\$62
Renewal	1 year	Nil	Nil	Nil
Restoration	1 year	Nil	Nil	Nil
Other construction or specialist work supervisor				
(Individual) New certificate	3 years	\$62	\$100	\$162
Variation to add a category or categories referred to in clause 46	Not applicable	\$62	Nil	\$62
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil

Home Building Further Amendment (Application Fees) Regulation 2005

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Tradesperson certificate				
(Individual) New certificate	3 years	\$65	\$41	\$106
Variation to add a category or categories referred to in clause 46 (2) (a)–(j)	Not applicable	\$62	Nil	\$62
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
Owner-builder permit				
	Not applicable	\$51	\$81	\$132
Replacement contractor licence, building consultancy licence, certificate or owner-builder permit				
	Not applicable	\$37	Nil	\$37



New South Wales

Home Building Further Amendment (Insurance Exemptions) Regulation 2005

under the

Home Building Act 1989

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

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

Explanatory note

Clause 73 of the *Home Building Regulation 2004* provides an exemption to contracts of home warranty insurance from the requirements of sections 92B and 93B of the *Home Building Act 1989* (which relate to the extension of insurance to all work done at an address specified in the building contract and insurance certificate concerned).

The object of this Regulation is to amend the *Home Building Regulation 2004* to extend that exemption for a further 12 months (until 31 December 2006).

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power).

Clause 1 Home Building Further Amendment (Insurance Exemptions) Regulation
2005

Home Building Further Amendment (Insurance Exemptions) Regulation 2005

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Further Amendment (Insurance Exemptions) Regulation 2005*.

2 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended by omitting the words “31 December 2005” wherever occurring in clause 73 and by inserting instead the words “31 December 2006”.



New South Wales

Liquor Amendment (Sunday Trading) Regulation (No 4) 2005

under the

Liquor Act 1982

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

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

Explanatory note

The object of this Regulation is to prescribe additional Sunday dates (including 2 Sundays in March 2006 that coincide with the Commonwealth Games in Melbourne) as dates on which hotels can stay open until midnight.

This Regulation is made under the *Liquor Act 1982*, including sections 24B and 156 (the general regulation-making power).

Clause 1 Liquor Amendment (Sunday Trading) Regulation (No 4) 2005

Liquor Amendment (Sunday Trading) Regulation (No 4) 2005

under the

Liquor Act 1982

1 Name of Regulation

This Regulation is the *Liquor Amendment (Sunday Trading) Regulation (No 4) 2005*.

2 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended by inserting in clause 83A (Dates prescribed for special events Sunday hotel trading) in appropriate order the following dates:

Sunday 1 January 2006

Sunday 19 March 2006

Sunday 26 March 2006



New South Wales

Motor Dealers Further Amendment (Fees) Regulation 2005

under the

Motor Dealers Act 1974

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

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary application fees for the restoration of licences payable under the *Motor Dealers Act 1974*.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the restoration application fee is double the processing component of the annual fee for the licence, and
- (b) the restoration application fee is higher than the annual fee but lower than the application fee for a new licence.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 18, 20 and 57 (the general regulation-making power).

Clause 1 Motor Dealers Further Amendment (Fees) Regulation 2005

Motor Dealers Further Amendment (Fees) Regulation 2005

under the

Motor Dealers Act 1974

1 Name of Regulation

This Regulation is the *Motor Dealers Further Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

3 Amendment of Motor Dealers Regulation 2004

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

Motor Dealers Further Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 60)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
Dealers' licences and car market operators' licences				
Application fee for granting of licence	\$163	nil	\$245 per place of business	\$703 per place of business
Application fee for restoration of licence	\$108	nil	\$245 per place of business	\$102 per place of business
Annual fee under section 20 (1) of the Act for licence	\$54	nil	\$245 per place of business	\$102 per place of business
Auto-dismantlers' licences, wholesalers' licences, motor vehicle consultants' licences and motor vehicle parts reconstructors' licences				
Application fee for granting of licence	\$163	nil	\$245 per place of business	nil
Application fee for restoration of licence	\$108	nil	\$245 per place of business	nil
Annual fee under section 20 (1) of the Act for licence	\$54	nil	\$245 per place of business	nil

Page 3

Motor Dealers Further Amendment (Fees) Regulation 2005

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
General				
Late fee under section 20 (6) of the Act	nil	\$48	nil	nil
Application fee for replacement of licence	\$26	nil	nil	nil
Issue of certificate under section 18 of the Act	nil	\$20	nil	nil



New South Wales

Noxious Weeds Amendment Regulation 2005

under the

Noxious Weeds Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Noxious Weeds Act 1993*.

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

Explanatory note

The object of this Regulation is to amend the *Noxious Weeds Regulation 2003* (***the Principal Regulation***) as a consequence of the following amendments made by the *Noxious Weeds Amendment Act 2005*:

- (a) the removal of the requirement for a certificate of authority issued under section 50 of the *Noxious Weeds Act 1993* (***the Principal Act***) to bear the signature of the officer prescribed by the regulations,
- (b) the removal of an offence under section 23 of the Principal Act that is currently prescribed by the Principal Regulation as a penalty notice offence.

This Regulation is made under the *Noxious Weeds Act 1993*, including sections 63 and 73 (the general regulation-making power).

Clause 1 Noxious Weeds Amendment Regulation 2005

Noxious Weeds Amendment Regulation 2005

under the

Noxious Weeds Act 1993

1 Name of Regulation

This Regulation is the *Noxious Weeds Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 1 March 2006.

3 Amendment of Noxious Weeds Regulation 2003

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

Noxious Weeds Amendment Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 7

Omit the clause.

[2] Schedule 3 Penalty notice offences

Omit the matter relating to section 23 (1).



New South Wales

Nurses and Midwives Amendment (Fees) Regulation 2005

under the

Nurses and Midwives Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Nurses and Midwives Act 1991*.

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

Explanatory note

The object of this Regulation is to amend the *Nurses and Midwives Regulation 2003* so as:

- (a) to increase certain fees payable under the *Nurses and Midwives Act 1991* (**the Act**), and
- (b) to remove the fee for the provisional enrolment as a nurse under section 28A (1) (d) of the Act.

This Regulation is made under the *Nurses and Midwives Act 1991*, including section 78 (the general regulation-making power) and the various provisions referred to in the schedule of fees to this Regulation.

Clause 1 Nurses and Midwives Amendment (Fees) Regulation 2005

Nurses and Midwives Amendment (Fees) Regulation 2005

under the

Nurses and Midwives Act 1991

1 Name of Regulation

This Regulation is the *Nurses and Midwives Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Nurses and Midwives Regulation 2003

The *Nurses and Midwives Regulation 2003* is amended as set out in Schedule 1.

Nurses and Midwives Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 34)

Fees under the Act

Section 16 (5)	\$10
Section 18 (1) (a), (b), (c), (d) or (e)	\$60
Section 19 (1) (a), (b), (c) or (d)	\$60
Section 19A (4)	\$150
Section 20 (4)	\$150
Section 22 (3)	\$12
Section 24 (1)	\$60
Section 26 (7)	\$10
Section 27 (1)	\$60
Section 28	\$60
Section 33 (1)	\$50
Section 33 (4)	\$60

Fees under this Regulation

Clause 9 (1)	\$20
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Note. There is no fee prescribed for the purposes of section 23 (1) (d) or 28A (1) (d) of the Act. There is no fee prescribed for the purposes of section 26 (3) of the Act but there are fees prescribed for the purposes of sections 27 and 28 of the Act in respect of enrolment on the Roll of Nurses.



New South Wales

Pawnbrokers and Second-hand Dealers Further Amendment (Fees) Regulation 2005

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*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary the application fee for the restoration of a licence payable under the *Pawnbrokers and Second-hand Dealers Act 1996*.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the restoration application fee for a licence is double the processing component of the renewal application fee, and
- (b) the restoration application fee for a licence is higher than the renewal application fee but lower than the application fee for a new licence.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including sections 13 and 43 (the general regulation-making power).

Clause 1 Pawnbrokers and Second-hand Dealers Further Amendment (Fees)
 Regulation 2005

Pawnbrokers and Second-hand Dealers Further Amendment (Fees) Regulation 2005

under the

Pawnbrokers and Second-hand Dealers Act 1996

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Further Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

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 Further Amendment (Fees)
Regulation 2005

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	Column 4
Nature of fee payable	Processing component	Fixed component	Total fee
Application fee for granting of licence	\$141	\$249	\$390
Application fee for renewal of licence	\$33	\$249	\$282
Application fee for restoration of licence	\$66	\$249	\$315
Application fee for replacement of licence	\$22	nil	\$22
Application fee for extract of register (per entry)	nil	\$13	\$13



New South Wales

Pesticides Amendment (Notification and Miscellaneous Matters) Regulation 2005

under the

Pesticides Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pesticides Act 1999*.

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

Explanatory note

The objects of this Regulation are:

- (a) to require public notification to be given, in accordance with a pesticide use notification plan, by any **public authority** (which is defined to include a Minister, a government department and a local council) that proposes to use pesticide in a prescribed public place or to allow its use in a prescribed public place (Schedule 1 [13]—Division 2 of Part 4B), and
- (b) to require that, if it is proposed that a pest management technician use pesticide in the common area of a residential complex (such as a block of home units), the person who engages the pest management technician, and the pest management technician, must give notice to all residents of the use (Schedule 1 [13]—Division 3 of Part 4B), and
- (c) to require certain additional matters to be recorded by the holder of an aircraft (pesticide applicator) licence in relation to the application of pesticide (Schedule 1 [2]), and
- (d) to require the holder of an aircraft (pesticide applicator) licence to provide a copy of any record required to be kept in relation to the application of pesticide to the owner or occupier of the land in respect of which it was applied (Schedule 1 [3]), and
- (e) to permit parts of units of competency assessed by registered training providers to be approved as prescribed qualifications, which certain pesticide users are required to hold (Schedule 1 [4] and [6]–[8]), and
- (f) to extend the definition of **registered training provider** in Part 3 of the Regulation to training providers registered outside the State (Schedule 1 [5]), and

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- (g) to recognise certain further training courses as prescribed qualifications, on a transitional basis (Schedule 1 [9]), and
- (h) to permit certificates of completion, or statements of attainment, issued by certain organisations to be approved by the Environment Protection Authority as prescribed qualifications, on a transitional basis (Schedule 1 [9]), and
- (i) to update references to the Australia New Zealand Food Standards Code (Schedule 1 [1] and [10]–[12]), and
- (j) to provide for certain offences to be dealt with by penalty notice (Schedule 1 [14] and [15]).

The amendments in relation to public notification of the use of a pesticide and the giving of notice in relation to residential complexes commence on 1 February 2007. The amendments in relation to the holder of an aircraft (pesticide applicator) licence commence on 1 February 2006. The remaining amendments commence when this Regulation is published in the Gazette.

This Regulation is made under the *Pesticides Act 1999*, including sections 63, 75, 78 and 119 (the general regulation-making power), in particular section 119 (2) (e), (g), (n) and (o).

Pesticides Amendment (Notification and Miscellaneous Matters) Regulation
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Clause 1

Pesticides Amendment (Notification and Miscellaneous Matters) Regulation 2005

under the

Pesticides Act 1999

1 Name of Regulation

This Regulation is the *Pesticides Amendment (Notification and Miscellaneous Matters) Regulation 2005*.

2 Commencement

- (1) This Regulation commences on the date on which it is published in the Gazette, except as provided by subclauses (2) and (3).
- (2) Schedule 1 [2], [3], [13] and [14] commence on 1 February 2006.
- (3) Schedule 1 [15] commences on 1 February 2007.

3 Amendment of Pesticides Regulation 1995

The *Pesticides Regulation 1995* is amended as set out in Schedule 1.

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Schedule 1 Amendments

(Clause 3)

[1] Clause 3 DefinitionsOmit the definition of *Food Standards Code* from clause 3 (1). Insert instead:

Food Standards Code has the same meaning as in the *Food Act 2003*.

[2] Clause 6A Records of aerial application of pesticides

Insert after clause 6A (b):

- (c) the name, address and contact details of the owner or occupier of the land in respect of which the pesticide was applied.

[3] Clause 6B

Insert after clause 6A:

6B Provision of record to land owner or occupier

The holder of an aircraft (pesticide applicator) licence must provide a copy of a record required to be made under section 54 of the Act to the owner or occupier of the land on which the pesticide was applied. The record must be provided as soon as practicable after the application of the pesticide.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, and
- (b) in the case of an individual—50 penalty units.

[4] Clause 7 DefinitionsOmit “(being units of competency” from paragraph (b) of the definition of *prescribed qualification* in clause 7 (1).

Insert instead “or parts of units of competency (being units of competency, or parts of units of competency,”.

[5] Clause 7, definition of “registered training provider”

Omit the definition. Insert instead:

registered training provider means:

- (a) a training provider registered under the *Vocational Education and Training Accreditation Act 1990*, or

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- (b) a training provider listed as a registered training organisation on the National Training Information Service maintained by the Commonwealth Department of Education, Science and Training.

[6] Clause 8 Approval of units of competency, or parts of units of competency, for prescribed qualifications

Insert “, or parts of units of competency,” after “competency” wherever occurring in clause 8 (1), (3) and (4) (a).

[7] Clause 8 (2)

Omit “approve of units of competency that”.

Insert instead “approve of units of competency, or parts of units of competency, if the units of competency”.

[8] Clause 8 (4) (b)

Insert “, or particular parts of units of competency,” after “competency”.

[9] Clause 8A Transitional provision concerning certificates of competency and statements of attainment

Insert at the end of clause 8A (before the note):

- (2) A person who holds:
- (a) a certificate of completion or statement of attainment on completion in any of the following competency units, or combinations of competency units, issued by NewTRAIN Incorporated:
- (i) RTC2706A,
 - (ii) RTC3704A and RTC3705A together,
 - (iii) all of the following together: RUAAG2005CHA,
RUAAG2006CHA, RUAAG2007CHA,
RUAAG2008CHA, RUAAG2009CHA,
RUAAG2010CHA, RUAAG2011CHA and
RUAAG2012CHA,
 - (iv) all of the following together: RUAAG2007CHA,
RUAAG2008CHA, RUAAG2009CHA,
RUAAG2010CHA, RUAAG2011CHA and
RUAAG2012CHA, or
- (b) a certificate of completion or statement of attainment on completion issued by a specified university, industry association or organisation of any kind, being a certificate or statement, and a university, association or organisation, that the Environment Protection Authority has, by notice

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in the Gazette, declared to be sufficient for the purposes of this paragraph,

is taken to hold a prescribed qualification for the purposes of this Part until the expiration of 5 years from the date of issue of the certificate or statement, as the case may be (unless the certificate or statement is sooner cancelled or revoked).

- (3) The Environment Protection Authority may, by further notice in the Gazette, amend or revoke a declaration made for the purposes of subclause (2) (b).
- (4) An amendment or revocation referred to in subclause (3) does not affect a person who, before the amendment or revocation, was, by operation of subclause (2), taken to hold a prescribed qualification for the purposes of this Part.

[10] Clause 10 Prohibited residues: section 63

Omit “Column 3 of Schedule 1 to General Standard A14” from clause 10 (1) (a).

Insert instead “Schedule 1 or 2 to General Food Standard 1.4.2”.

[11] Clause 10 (2) (a)

Omit “Column 1 of Schedule 1 to General Standard A14”.

Insert instead “the shaded boxes in Schedule 1 or 2 to General Food Standard 1.4.2”.

[12] Clause 10 (2) (b)

Omit “Column 2 of that Schedule”.

Insert instead “Schedule 1 or 2 to General Food Standard 1.4.2”.

[13] Part 4B

Insert after clause 11H:

Part 4B Notification of proposed use of pesticide

Division 1 Operation of Part

11I Date of effect

This Part takes effect at the beginning of 1 February 2007.

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Division 2 Notification by public authorities**11J Definitions**

(1) In this Division:

pesticide use notification plan means a plan referred to in clause 11L (1).

prescribed public place means:

- (a) any of the following to which the public is entitled to have access (whether or not on payment of a fee):
 - (i) any public garden,
 - (ii) any picnic area,
 - (iii) any playground,
 - (iv) any park, sporting field or oval,
 - (v) any public land owned or controlled by a public authority (for example, a road verge, rail easement or an easement for electricity purposes or for the purposes of other utilities),
 - (vi) any land reserved under the *National Parks and Wildlife Act 1974* or any State forest or Crown land, or
- (b) the grounds of any government school (within the meaning of the *Education Act 1990*) or any establishment maintained by the Technical and Further Education Commission,

but does not include the inside of any building or structure located at such a place.

public authority, in addition to the meaning given by the Act, includes a Minister.

Note. **Public authority** is defined in the Act to mean a public or local authority constituted by or under an Act, and to include:

- (a) a government department, or
- (b) a statutory body representing the Crown, a State owned corporation or a local council, or
- (c) a member of staff or other person who exercises functions on behalf of a public authority.

The above definition extends the meaning of the term **public authority** for the purposes of this Division so as to include a Minister.

sensitive place means:

- (a) any school or pre-school, or
- (b) any kindergarten, or
- (c) any childcare centre, or

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- (d) any hospital, or
- (e) any community health centre, or
- (f) any nursing home, or
- (g) any place declared to be a sensitive place by the Environment Protection Authority by notice in the Gazette.

use does not include store.

- (2) The Environment Protection Authority may, by further notice in the Gazette, amend or revoke any declaration made under paragraph (g) of the definition of *sensitive place* in subclause (1).

11K Obligations on public authorities concerning use of pesticide

- (1) A public authority must not use any pesticide in a prescribed public place that is owned by or is under the control of the public authority, or allow any person to use any pesticide in a prescribed public place that is owned by or is under the control of the public authority, unless the public authority has first:
 - (a) prepared, finalised and notified the Environment Protection Authority of a pesticide use notification plan in accordance with this Division, and
 - (b) given public notice of the proposed use of pesticide in accordance with that plan.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and
- (b) in the case of an individual—200 penalty units.
- (2) A public authority may satisfy an obligation under this clause if it prepares and notifies one or more pesticide use notification plans that apply to all prescribed public places that it owns or controls.

11L Contents of pesticide use notification plans

- (1) A pesticide use notification plan for a public authority must set out how and when the public authority will give public notice of the proposed use of pesticides in any prescribed public places owned by the public authority or under its control.
- (2) In particular, a pesticide use notification plan:
 - (a) must identify where it operates, that is, it must identify the categories of prescribed public places in which the public authority proposes to use pesticide or allow its use, and

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- (b) must identify the categories of, or specific, prescribed public places in respect of which the public authority intends to provide notification of:
 - (i) all proposed uses of pesticides under the plan, or
 - (ii) only some proposed uses of pesticides under the plan, and what those uses are, and
 - (c) must indicate, as a separate item, the special protection measures that will be taken if the pesticide is proposed to be used in a prescribed public place that is adjacent to a sensitive place, and
 - (d) must identify the categories of people (the *affected persons*) who regularly use the categories of prescribed public places identified in the plan, and
 - (e) must estimate the degree of use by affected persons of those categories of prescribed public places, and
 - (f) must specify how and when the public authority will notify the affected persons of the proposed use of pesticide in the prescribed public places (other than a prescribed public place referred to in paragraph (k)), and
 - (g) must specify what will be included in that notification, which must include at least the following:
 - (i) the full product name of the pesticide to be used,
 - (ii) the purpose of the use,
 - (iii) the proposed date of use, dates of use or range of dates of use,
 - (iv) the place of use,
 - (v) a contact telephone number or email address for the officer of the public authority whom the affected persons can contact to discuss the notice,
 - (vi) any warnings about limitations on the subsequent use of or entry onto the land if such warnings are specified on the approved label for the pesticide or in the permit for use of the pesticide, and
 - (h) must specify how and when the public authority will inform the general public (and not just the affected persons) of the plan and its contents, and
 - (i) must identify by job title or description, and provide the telephone number or email address of, the officer of the public authority whom any member of the public can contact to discuss the plan, and

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- (j) must set out provisions for future reviews of the pesticide use notification plan, including arrangements for public involvement in those reviews, and
 - (k) must specify the prescribed public places (if any) for which the public authority does not intend to provide notification.
- (3) A pesticide use notification plan for a public authority may, in addition to the matters required by this clause, set out how and when the public authority will give public notice of its use, or its allowing of the use, of pesticide in places other than prescribed public places.

11M Public consultation on draft pesticide use notification plans

- (1) A public authority that has prepared a draft pesticide use notification plan must publish a notice, in accordance with this clause, advising that the plan has been prepared.
- (2) The notice must be published:
- (a) in the case of a public authority that operates throughout the State—in at least one newspaper circulating generally in the State, and
 - (b) in the case of a public authority that operates only in a particular local area or local areas—in at least one newspaper circulating generally in that local area or those local areas, and
 - (c) in the case of a public authority that is a local council—in at least one newspaper circulating generally in the local government area of that council.
- (3) The notice must specify:
- (a) the area in which the plan is to operate, and
 - (b) where a copy of the draft plan will be displayed for the purposes of public inspection, and
 - (c) the way in which the public may comment on the draft plan, and
 - (d) the deadline for public comment on the draft pesticide use notification plan (which must be at least 4 weeks after the notice is published).
- (4) A public authority must place its draft pesticide use notification plan on display during office hours at the place mentioned in the notice. The public authority must make the draft plan available for inspection free of charge.

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- (5) A public authority must also place its draft pesticide use notification plan on its internet website, if it has one.
 - (6) The draft pesticide use notification plan must be on display for at least the period commencing on the date on which notice of the display is first given under this clause and ending on the date of the deadline for public comments.
 - (7) As soon as practicable after the date of the deadline for submissions for public comment, the public authority must prepare a final version of the plan, taking into consideration any comments made by the public before the deadline.

11N Giving notice of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan in accordance with this Division must, as soon as practicable after the finalisation of the plan, give notice of the plan in accordance with this clause.
- (2) The notice must be published:
 - (a) in the Gazette, and
 - (b) in accordance with clause 11M (2).
- (3) The notice must specify:
 - (a) the area in which the plan is to operate, and
 - (b) where a copy of the plan will be displayed.
- (4) A public authority must place its pesticide use notification plan on display during office hours at the main address of the public authority. The public authority must make the plan available for inspection free of charge.
- (5) A public authority must also place its pesticide use notification plan on its internet website, if it has one.

11O Notification to the Environment Protection Authority of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan must notify the Environment Protection Authority in writing that the plan has been finalised.
- (2) Such notice must include a statement as to whether or not clauses 11L, 11M and 11N have been complied with in relation to the plan.
- (3) Such notice must be given as soon as practicable after finalisation of the plan.

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11P Review of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan may review that plan.
- (2) If, as a result of that review, a public authority wishes to amend the plan, or adopt a new plan, it must comply with this Division in relation to the making of the amended or new plan unless (in the case of an amendment) the public authority considers on reasonable grounds that the amendment is not of sufficient substance to warrant public consultation, in which case, it need not comply with clauses 11M and 11N.

Division 3 Notification about pesticide use in common areas of residential complexes and other places

11Q Definitions

In this Division:

association property has the same meaning as in the *Community Land Development Act 1989*.

common area of a residential complex means:

- (a) in relation to land under a strata scheme—so much of any parcel of land in a strata scheme that is not comprised in any lot, for example, any roof void, any sub-floor space, any grounds of the residential complex or any stairwell, or
- (b) in relation to land under a community scheme—association property in the scheme, or
- (c) in relation to land under company title (that is, land that a person is entitled to occupy because of the ownership of shares)—land used as common property by the residents or land that no person has an exclusive right to occupy.

community scheme has the same meaning as in the *Community Land Development Act 1989*.

dual occupancy premises means residential premises that comprise only two dwellings.

pest management technician means a person who:

- (a) holds a certificate of competency or recognised qualification (within the meaning of Part 9.1 of Chapter 9 of the *Occupational Health and Safety Regulation 2001*) in relation to the kind of work referred to under the subheading “**Application of pesticides**” or “**Use of**

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fumigants” in the Schedule to clause 266 of that Regulation, or

- (b) is a trainee doing work of the type referred to in paragraph (a) and who is excepted under clause 271 of that Regulation from the requirement of that Regulation to hold a certificate of competency or recognised qualification in relation to that work, or
- (c) holds a former authority (pest control operator’s licence) that is taken to be a certificate of competency under clause 268 of that Regulation.

residential complex means any multiple occupancy medium-density or high-density residential premises, and includes:

- (a) any block of home units, or
- (b) any caravan park used for, amongst other purposes, residencies of over 8 weeks’ duration, or
- (c) multiple occupancy land under a strata scheme (whether or not the dwellings are separate from each other), or
- (d) a community scheme,

but does not include dual occupancy premises.

strata scheme means a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* or a leasehold strata scheme under the *Strata Schemes (Leasehold Development) Act 1986*.

11R Prior notice of application of pesticide to be given by management

- (1) A person who engages a pest management technician to use pesticides in any common area of a residential complex must give each resident of the residential complex prior notice, in accordance with this clause, of the use by the pest management technician of a pesticide in any common area of the complex or must ensure that an agent of the person gives such notice.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and
 - (b) in the case of an individual—200 penalty units.
- (2) At least 5 working days’ notice must be given of the proposed use.
 - (3) The notice must be given:
 - (a) to each resident in person, by facsimile transmission, email or telephone, or

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- (b) by placing a written notice in the resident's letter box or under a resident's front door or by posting a written notice:
 - (i) on the main notice boards at the complex (if available), and
 - (ii) at the main entrances and exits to each building in the complex.
 - (4) The notice must include at least the following:
 - (a) the date, dates or range of dates on which the pesticide will be used,
 - (b) where the pesticide will be used,
 - (c) the full product name of the pesticide that will be used,
 - (d) the purpose for which the pesticide will be used,
 - (e) the period (if any) during which the affected area should not be entered (but only if the approved label for the pesticide or the permit for use of the pesticide requires that such a period be observed),
 - (f) the contact details of the pest management technician or of his or her office.
 - (5) This clause does not require notice to be given in respect of any pesticide to be used in the period before 8 February 2007.
 - (6) Without limiting the meaning of the term, a *person who engages a pest management technician* includes:
 - (a) a managing agent of an owners corporation for a strata scheme, or
 - (b) a managing agent for an association for a community scheme, or
 - (c) a park manager for a caravan park,
 where that agent or manager, or a member of his or her staff, arranges for a pest management technician to use the pesticide.

11S Concurrent notice to be posted by pest management technician at the time of application of pesticide

- (1) A pest management technician who uses pesticide in the common area of a residential complex must post a notice, in accordance with this clause, on the day on which (or on the first day of any unbroken period during which) the pesticide is to be used.
Maximum penalty:
 - (a) in the case of a corporation—400 penalty units, and
 - (b) in the case of an individual—200 penalty units.

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- (2) The notice must be posted at the main entry doors and exit doors to the building and on the main notice board of the building (if available), if that is accessible to the pest management technician (and at entrance points to the property if the pesticide is to be used on the grounds or external areas of the building).
 - (3) The notice must be posted before the pesticide is used and must continue to be displayed while the pesticide is being used and after use for the length of any period during which the affected area should not be entered (but only if the approved label for the pesticide or the permit for use of the pesticide requires that such a period be observed).
 - (4) The notice must include at least the matters required to be included in a notice under clause 11R (4).
 - (5) This clause does not apply to any second or subsequent installation of pesticide in baits as part of an ongoing baiting program of which notice has been given under this clause.

11T Less notice may be given in an emergency

A pest management technician may use pesticide in an emergency so as to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures) without any person giving the prior notice required by clause 11R but must:

- (a) give the concurrent notice required by clause 11S before the use of the pesticide, and
- (b) keep records of the emergency and the use of pesticide.

11U Provision of Material Safety Data Sheet

If a person who is required to be notified under this Division makes a request to the pest management technician, or a person at his or her office, to see a copy of the Material Safety Data Sheet for the relevant pesticide, the pest management technician must give the person, or ensure that the person is given, a copy of the Material Safety Data Sheet as soon as practicable after the notice of the intended use of pesticide is given.

Maximum penalty:

- (a) in the case of a corporation—30 penalty units, and
- (b) in the case of an individual—15 penalty units.

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11V Records that must be kept

- (1) A pest management technician who is required by this Division to give any notice or keep any record must keep a paper copy of the notice or record for at least 3 years after it is given.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, and
(b) in the case of an individual—50 penalty units.

- (2) A person (other than a pest management technician) who is required by this Division to give any notice must keep a paper copy of any letter, facsimile transmission or email used to give the notice, or a diary entry of any notice given in person or by telephone, including the name of the person notified, for at least 3 years after the notice is given.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, and
(b) in the case of an individual—50 penalty units.

[14] Schedule 1 Penalty notice offences

Insert in order of provisions of the Regulation:

Clause 6B	100	200
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[15] Schedule 1

Insert in order of provisions of the Regulation:

Clause 11K (1)	400	800
Clause 11R (1)	400	800
Clause 11S (1)	400	800
Clause 11U	100	200
Clause 11V (1)	100	200
Clause 11V (2)	100	200



New South Wales

Property, Stock and Business Agents Amendment (Fees) Regulation 2005

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*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary application fees for the restoration of licences and certificates of registration payable under the *Property, Stock and Business Agents Act 2002*.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the restoration application fee for a licence is double the processing component of the renewal application fee, and
- (b) the fixed component of the restoration application fee for a licence or certificate of registration is the same as the fixed component of the renewal application fee for a licence or certificate of registration, and
- (c) the restoration application fee for a licence or certificate of registration is higher than the renewal application fee but lower than the application fee for a new licence or certificate of registration.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including sections 17A and 230 (the general regulation-making power).

Clause 1 Property, Stock and Business Agents Amendment (Fees) Regulation 2005

Property, Stock and Business Agents Amendment (Fees) Regulation 2005

under the

Property, Stock and Business Agents Act 2002

1 Name of Regulation

This Regulation is the *Property, Stock and Business Agents Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

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) Regulation 2005

Amendment

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(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	\$175	\$158	\$55	\$388
Application fee for grant of certificate of registration	\$35	\$63	nil	\$98
Application fee for renewal of licence	\$175	\$52	\$55	\$282
Application fee for renewal of certificate of registration	\$35	\$32	nil	\$67
Application fee for restoration of licence	\$175	\$104	\$55	\$334
Application fee for restoration of certificate of registration	\$35	\$44	nil	\$79
Application fee for accreditation as an auctioneer under section 21 of the Act	nil	\$52	nil	\$52

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Property, Stock and Business Agents Amendment (Fees) Regulation 2005

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 a replacement licence	nil	\$34	nil	\$34
Application fee for a replacement certificate of registration	nil	\$34	nil	\$34



New South Wales

Public Health Amendment (Avian Influenza) Regulation 2005

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

FRANK SARTOR, M.P.,
Acting Minister for Health

Explanatory note

The object of this Regulation is to amend the *Public Health Act 1991*:

- (a) to include avian influenza in humans in the list of medical conditions in Schedule 1 to the Act that must be notified by medical practitioners and laboratories to the Director-General of the Department of Health (the *Director-General*), and
- (b) to require a person suffering from avian influenza to take reasonable precautions against spreading the condition, and
- (c) to allow the Director-General to order a person to undergo a medical examination if he or she suspects on reasonable grounds that the person is suffering from avian influenza, and
- (d) to allow an authorised medical practitioner who is satisfied on reasonable grounds that a person is suffering from avian influenza to make a public health order in respect of the person, and
- (e) to include avian influenza in humans in the list of diseases in Schedule 3 to the Act that must be notified by hospitals to the Director-General.

This Regulation is made under the *Public Health Act 1991*, including sections 80 and 82 (the general regulation-making power).

Clause 1 Public Health Amendment (Avian Influenza) Regulation 2005

Public Health Amendment (Avian Influenza) Regulation 2005

under the

Public Health Act 1991

1 Name of Regulation

This Regulation is the *Public Health Amendment (Avian Influenza) Regulation 2005*.

2 Amendment of Public Health Act 1991 No 10

The *Public Health Act 1991* is amended as set out in Schedule 1.

Public Health Amendment (Avian Influenza) Regulation 2005

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(Clause 2)

[1] Schedule 1 Scheduled medical conditions

Insert in alphabetical order in Categories 2, 3 and 4:

Avian influenza in humans

[2] Schedule 3 Notifiable diseases

Insert in alphabetical order:

Avian influenza in humans



New South Wales

Public Authorities (Financial Arrangements) Amendment (Retail Leases) Regulation 2005

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MORRIS IEMMA, M.P.,
Treasurer

Explanatory note

The object of this Regulation is to prescribe the Director-General of the Department of State and Regional Development as an authority for the purposes of Part 3 (Investment) of the *Public Authorities (Financial Arrangements) Act 1987* and to confer on the Director-General the investment powers specified in Part 2 of Schedule 4 to that Act in respect of money held in the Retail Leases Security Bonds Trust and Interest Accounts established under the *Retail Leases Act 1994*.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including paragraph (e) of the definition of **authority** in section 3 (1), section 24 and section 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Retail Leases)
 Regulation 2005

Public Authorities (Financial Arrangements) Amendment (Retail Leases) Regulation 2005

under the

Public Authorities (Financial Arrangements) Act 1987

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Retail Leases) Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Public Authorities (Financial Arrangements) Regulation 2005

The *Public Authorities (Financial Arrangements) Regulation 2005* is amended as set out in Schedule 1.

Public Authorities (Financial Arrangements) Amendment (Retail Leases)
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Definitions of “authority” and “controlled entity”

Insert in alphabetical order in Part 1:

Director-General of the Department of State and Regional
Development, but only for the purposes of Part 3 of the Act

[2] Schedule 2 Authorities having Part 2 investment powers

Insert in alphabetical order:

Director-General of the Department of State and Regional
Development, in respect of money held in the Retail Leases
Security Bonds Trust Account and the Retail Leases Security
Bonds Interest Account established under Division 5 of Part 2A
of the *Retail Leases Act 1994*



New South Wales

Road Transport (Driver Licensing) Amendment (Licence Penalties) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* as follows:

- (a) to extend the prohibition on driving high performance vehicles currently imposed on holders of provisional licences first issued with licences after 11 July 2005 to holders of licences issued after the commencement of the amendments who have previously held a provisional licence and are issued the provisional licence as a consequence of disqualification for an offence committed on or after 11 July 2005,
- (b) to increase the demerit points allocated to the offences of failing (as the holder of a learner licence or a provisional licence) to comply with restrictions on the power and capacity of motor bikes or motor trikes that may be ridden and of (as the holder of a provisional licence) failing to comply with restrictions on the number of passengers in a vehicle.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 (1), 19 (the general regulation-making power) and 20.

Clause 1 Road Transport (Driver Licensing) Amendment (Licence Penalties)
 Regulation 2005

Road Transport (Driver Licensing) Amendment (Licence Penalties) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Licence Penalties) Regulation 2005*.

2 Commencement

This Regulation commences on 16 December 2005.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Licence Penalties)
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 15B Provisional P1 and P2 licences—high performance vehicle restrictions

Omit clause 15B (4). Insert instead:

- (4) This clause applies only to a provisional licence issued after the commencement of this subclause and so applies if:
- (a) the person to whom the licence is issued had not held a provisional licence at any time before that commencement, or
 - (b) the person to whom the licence is issued had held a provisional licence at a time before that commencement and the licence issued after that commencement is issued after a disqualification for an offence committed on or after 11 July 2005.

(4A) Nothing in the *Road Transport (Driver Licensing) Amendment (Licence Penalties) Regulation 2005* affects a condition imposed on a licence under this clause before the commencement of that Regulation.

[2] Schedule 2 Additional demerit point offences

Omit “2” wherever occurring in Columns 3 and 4 of the matter relating to clause 12 (3) of the *Road Transport (Driver Licensing) Regulation 1999*.

Insert instead “4”.

[3] Schedule 2, matter relating to Road Transport (Driver Licensing) Regulation 1999

Omit the matter relating to clause 56 (except in respect of a condition under clause 15B or 15C).

Insert instead:

Clause 56 (except in respect of a condition under clause 15 (4) (c), 15B or 15C)	Not comply with conditions of licence	2	2
Clause 56 (in respect of a condition under clause 15 (4) (c))	Not comply with P1 (class R) restriction on capacity/power	4	4

Road Transport (Driver Licensing) Amendment (Licence Penalties)
Regulation 2005

Schedule 1 Amendments

**[4] Schedule 2, matter relating to Road Transport (Driver Licensing)
Regulation 1999**

Omit the matter relating to clause 56 (in respect of a condition under clause 15C).

Insert instead:

Clause 56 (in respect of a condition under clause 15C)	Not comply with P1/P2 passenger restriction	7	7
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New South Wales

Road Transport (Driver Licensing) Amendment (Christmas–New Year 2005–2006 Demerit Points) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to ensure that certain offences committed during the Christmas–New Year 2005–2006 period (being 23 December 2005 to 2 January 2006 (inclusive)) attract extra demerit points. This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 and 19 (the general regulation-making power).

Clause 1 Road Transport (Driver Licensing) Amendment (Christmas–New Year
2005–2006 Demerit Points) Regulation 2005

Road Transport (Driver Licensing) Amendment (Christmas–New Year 2005–2006 Demerit Points) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Christmas–New Year 2005–2006 Demerit Points) Regulation 2005*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended by inserting the following at the end of paragraph (b) of the definition of *over a long weekend* in clause 36 (5):

23 December 2005 until 2 January 2006 (inclusive)



New South Wales

Stock Diseases Amendment (Livestock Identification) Regulation 2005

under the

Stock Diseases Act 1923

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Diseases Act 1923*.

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

Explanatory note

The object of this Regulation is to amend the *Stock Diseases Regulation 2004*:

- (a) to require, from 1 January 2006, a sheep or goat born after that date to be permanently identified if it leaves the property on which it is born or arrives in New South Wales or if an inspector under the *Stock Diseases Act 1923* directs it to be identified, and to require, from 1 January 2009, a sheep or goat (regardless of when it was born) to be permanently identified if it leaves any property on which it is kept or arrives in New South Wales or if an inspector directs it to be identified, and
- (b) to require the owner or person in charge of cattle to provide certain information when delivering the cattle to a stock and station agent, an abattoir or another property, and
- (c) to require information relating to cattle to be provided to the authorised administrator in a manner and form that allows the information to be readily uploaded to the permanent identification register, and
- (d) to require certain persons, including stock and station agents, who deal with cattle, sheep or goats to keep records, and
- (e) to make provision for the testing of stock for avian influenza and BSE, and
- (f) to prescribe persons to carry out certain functions under the Act, and
- (g) to clarify certain fee provisions, and
- (h) to make other minor amendments.

This Regulation is made under the *Stock Diseases Act 1923*, including sections 7 (4), 17 (4) (b), 18 (3), 20O (1) and 23 (the general regulation-making power), in particular section 23 (1) (c), (e) and (q) and (4).

Clause 1 Stock Diseases Amendment (Livestock Identification) Regulation 2005

Stock Diseases Amendment (Livestock Identification) Regulation 2005

under the

Stock Diseases Act 1923

1 Name of Regulation

This Regulation is the *Stock Diseases Amendment (Livestock Identification) Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Stock Diseases Regulation 2004

The *Stock Diseases Regulation 2004* is amended as set out in Schedule 1.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 10A Testing of Stock for Bovine Spongiform Encephalopathy

Omit “test conducted under subclause (1)” from clause 10A (2).

Insert instead “test for BSE (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales,”.

[2] Clause 10A (3)

Insert “been exposed to” after “, or may have,”.

[3] Part 2 Treatment of stock

Insert after Division 2A:

Division 2B Avian influenza

10B Testing of stock for avian influenza

- (1) A person must not test, or attempt to test, stock for avian influenza unless:
 - (a) the test is carried out in a veterinary laboratory that has been accredited by the National Association of Testing Authorities, Australia for such testing, and the results of the test are released by a veterinary pathologist, or
 - (b) the test is carried out for diagnostic purposes and the Chief Veterinary Officer has approved:
 - (i) the diagnostic technique to be used, and
 - (ii) the laboratory at which the testing will be conducted, and
 - (iii) the person or persons who will be conducting the testing, or
 - (c) the test is carried out for research or training purposes and:
 - (i) the research or training has been approved by the Chief Veterinary Officer, and
 - (ii) the research or training is to be conducted by a person or class of persons approved by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) A person must not release or otherwise publish the results of a test for avian influenza (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales, that appear

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Schedule 1 Amendments

to be positive or inconclusive without the approval of the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (3) For the purpose of this clause, a person is taken to have tested, or attempted to test, stock for avian influenza if the person has conducted any test that may be used to determine if stock has, or may have, been exposed to avian influenza.

[4] Part 3 Identification of stock

Insert after the heading to the Part:

Note. A board may charge and recover a reasonable fee under section 57 of the *Rural Lands Protection Act 1989* for services it provides under this Part.

[5] Clause 12 Definitions

Insert in alphabetical order:

permanent identification register has the same meaning as in clause 34.

[6] Clause 12, definition of “permanent identifier”

Omit “3 or” from the definition.

[7] Clause 13 General provisions relating to orders made under this Part

Insert after clause 13 (3):

- (4) The Director-General is to ensure that any order made under this Part is placed on the Department’s website on the Internet as soon as practicable after its publication in the Gazette.

Note. www.dpi.nsw.gov.au

- (5) Failure to comply with subclause (4) does not invalidate an order.

[8] Clause 13A

Insert after clause 13:

13A Provision of information to authorised administrator and other persons

- (1) A person who is required to provide information to the authorised administrator under this Part is required to provide that information:
- (a) in an electronic form that permits it to be readily uploaded to the permanent identification register, or

Stock Diseases Amendment (Livestock Identification) Regulation 2005

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- (b) in some other form approved by the authorised administrator.
 - (2) The Director-General may specify, by order published in the Gazette, the form in which information is to be provided under this Part to a person other than the authorised administrator.
 - (3) A requirement in this Part that information be provided to a person other than the authorised administrator includes a requirement that the information be provided in a form that complies with any relevant order of the Director-General under subclause (2).

[9] Clause 16 Requirement for stock to be identified for transaction purposes

Omit clause 16 (4) (g). Insert instead:

- (g) the sending of stock to an abattoir from the property on which the stock was born if the stock is required to be identified under Division 4 and is identified in accordance with that Division,

[10] Part 3 Identification of stock

Omit Division 3.

[11] Part 3, Division 4, Subdivision 1

Insert before clause 19:

Subdivision 1 Preliminary**[12] Clause 19**

Omit the clause. Insert instead:

19 Definitions

- (1) In this Division:
 - cattle* means cattle, and includes carcasses of cattle.
 - identifiable goats* means goats that are required under this Division to be identified in accordance with clause 21.
 - identifiable sheep* means sheep that are required under this Division to be identified in accordance with clause 21.
 - identifiable stock* means cattle, identifiable goats and identifiable sheep.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

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relevant identification particulars, in relation to cattle, means:

- (a) the property identification code of the property on or in respect of which the cattle have been (or are to be) permanently identified, and
- (b) the characters that enable each animal to be individually identified.

relevant identification particulars, in relation to sheep and goats, means the property identification code of the property on or in respect of which the sheep or goats have been (or are to be) permanently identified.

- (2) A reference in this Division to the owner or person in charge of identifiable stock or any saleyard or abattoir includes a reference to any stock and station agent (or other person) who is acting on behalf of the owner or person in charge of the stock, saleyard or abattoir.
- (3) A requirement in this Division to provide or record a property identification code is satisfied, in the case of a property that has not been assigned a property identification code, by providing or recording, as the case requires, the relevant district code (if practicable) and the address of the property.
- (4) A reference in this Division to the date on which stock left from, or arrived at, a particular place, means, in the case of stock leaving or arriving over more than one day, the first of those days.

[13] Part 3, Division 4, Subdivision 2

Insert before clause 20:

Subdivision 2 Identifiable stock**[14] Clause 22**

Omit the clause. Insert instead:

22 Requirement to identify stock

- (1) The owner of any sheep or goat born on or after 1 January 2006 must ensure that the sheep or goat is identified in accordance with clause 21:
 - (a) before the sheep or goat leaves the property in New South Wales on which it is born, or
 - (b) on arrival of the sheep or goat in New South Wales, or

Stock Diseases Amendment (Livestock Identification) Regulation 2005

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- (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.
- (2) On and after 1 January 2009, the owner of any sheep or goat (regardless of the date on which the sheep or goat was born) must ensure that the sheep or goat is identified in accordance with clause 21:
- (a) before the sheep or goat leaves any property in New South Wales on which it is kept (whether or not that property is the one on which it was born), or
- (b) on arrival of the sheep or goat in New South Wales, or
- (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.
- (3) The owner of any cattle (regardless of the date on which the cattle were born) must ensure that the cattle are identified in accordance with clause 21:
- (a) before the cattle leaves any property in New South Wales on which the cattle are kept (whether or not that property is the one on which the cattle were born), or
- (b) on arrival of the cattle in New South Wales, or
- (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.

Maximum penalty: 100 penalty units.

[15] Part 3, Division 4, Subdivisions 3–5

Omit clauses 24 and 25. Insert instead:

Subdivision 3 Additional requirements for cattle

24 Information in relation to cattle at saleyards

- (1) On arrival of any cattle at a saleyard, the owner or person in charge of the cattle must provide the owner or person in charge of the saleyard with:
- (a) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property, or
- (b) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent.

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- (2) Before any cattle leave a saleyard, the person who has bought or taken possession of the cattle must provide the owner or person in charge of the saleyard with:
- (a) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir, or
 - (b) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.
- (3) If any cattle are sent to a saleyard from a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:
- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (4) If any cattle are sent from a saleyard to a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:
- (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (5) The owner or person in charge of a saleyard must, by the close of business on the next working day after the sale of any cattle at the saleyard, provide the authorised administrator with the following information:
- (a) that the cattle have been sold,
 - (b) the date the sale occurred,
 - (c) the relevant identification particulars of the cattle concerned,
 - (d) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property,

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- (e) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent,
 - (f) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir,
 - (g) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.

Maximum penalty: 100 penalty units.

25 Information in relation to cattle held by stock and station agent

- (1) On the delivery of any cattle to a stock and station agent, the owner or person in charge of the cattle must provide the stock and station agent with the property identification code of the property at which the cattle were held before being sent to the stock and station agent (the *previous property*).
- (2) If any cattle are sent to a stock and station agent, the agent must, within 7 days of receiving the cattle, provide the authorised administrator with the following:
 - (a) the relevant identification particulars of the cattle concerned,
 - (b) the agent identification code of the agent,
 - (c) if the agent is still in possession of the cattle—the property identification code of the property at which the cattle are being held,
 - (d) if the agent is no longer in possession of the cattle, the following information:
 - (i) that the cattle were sent to a property, saleyard or abattoir,
 - (ii) the date the cattle were sent,
 - (iii) the property identification code of the property, saleyard or abattoir.
- (3) If any cattle are sent to a stock and station agent, the agent must:
 - (a) make a record of:
 - (i) the relevant identification particulars of the cattle concerned, and
 - (ii) each movement of those cattle from the time they left the previous property until their arrival at the property, saleyard or abattoir notified to the authorised administrator under subclause (2),

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including the property identification code of each property at which they may have been held during that time, and

- (b) keep any such record for a period of at least 2 years from the date on which it was made or for a period of at least 7 years if the cattle have been sent from a property that has not been assigned a property identification code, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (4) If any cattle are sent to a stock and station agent from a property that has not been assigned a property identification code, the agent must:
- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (5) If any cattle are sent by a stock and station agent to a property that has not been assigned a property identification code, the agent must:
- (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25A Information in relation to cattle at abattoir

- (1) On arrival of any cattle at an abattoir, the owner or person in charge of the cattle must provide the owner or person in charge of the abattoir with:
 - (a) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property, or

Stock Diseases Amendment (Livestock Identification) Regulation 2005

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- (b) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent.
- (2) If any cattle are sent to an abattoir, the owner or person in charge of the abattoir must, by the close of business on the next working day after the cattle are slaughtered, provide the authorised administrator with the following information:
- (a) that the cattle were slaughtered,
 - (b) the date the cattle were slaughtered,
 - (c) the relevant identification particulars of the cattle concerned,
 - (d) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property,
 - (e) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent,
 - (f) the weight of each carcass before chilling and after bleeding, skinning, evisceration and trimming.
- (3) A person is not required to provide the authorised administrator with the information set out in subclause (2) (f) for carcasses of cattle slaughtered at a knackery or if the cattle were less than 6 weeks old when slaughtered.
- (4) If any cattle are sent to an abattoir from a property that has not been assigned a property identification code, the owner or person in charge of the abattoir must:
- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25B Information in relation to cattle arriving at property

- (1) On arrival of any cattle at a property, the owner or person in charge of the cattle must provide the owner or person in charge of the cattle at the property with:

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- (a) if the cattle were held at another property (the *previous property*) before being sent to the property—the property identification code of the previous property, or
- (b) if the cattle were held by a stock and station agent before being sent to the property—the agent identification code of the agent.
- (2) If any cattle arrives at a property, the owner or person in charge of the cattle at the property must, within 7 days of the arrival of the cattle, provide the authorised administrator with the following information unless the cattle have arrived directly from a saleyard or stock and station agent:
- (a) that the cattle have arrived at the property,
- (b) the date the cattle arrived at the property,
- (c) the relevant identification particulars of the cattle concerned,
- (d) the property identification code of the property,
- (e) if the cattle were held at a previous property before being sent to the property—the property identification code of the previous property.
- (3) If any cattle arrives at a property from a previous property that does not have a property identification code, the owner or person in charge of the cattle at the property must:
- (a) within 7 days after the arrival of the cattle, make a record of the relevant identification particulars of the cattle and the address of the previous property, and
- (b) keep any such record for a period of at least 7 years from the date on which it was made, and
- (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25C Information in relation to export of living cattle

If any living cattle embark for overseas export, the owner or person in charge of the cattle must, within 7 days of the date of embarkation, provide the authorised administrator with the following information:

- (a) that the cattle have embarked for overseas export,
- (b) the date the cattle embarked,
- (c) the relevant identification particulars of the cattle concerned,

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- (d) if the cattle were held at a property before embarking for overseas export—the property identification code of the property,
 - (e) if the cattle were held by a stock and station agent before embarking for overseas export—the agent identification code of the agent.

Maximum penalty: 100 penalty units.

25D Information in relation to loss, death or theft of cattle

- (1) The owner or person in charge of a saleyard or an abattoir, or a stock and station agent, to which cattle have been sent, must, by the close of business on the next working day after the death, loss or theft of any of those cattle, provide the authorised administrator with the following information:
 - (a) that the cattle have died or been lost or stolen,
 - (b) the date on which the cattle died or were lost or stolen, or if this is not known, the date the person became aware of the death, loss or theft,
 - (c) the relevant identification particulars of the cattle concerned.
- (2) Subclause (1) applies only if the authorised administrator has been advised of the sending and the cattle subsequently die or are lost or stolen.

Maximum penalty: 100 penalty units.

25E Loss or theft of unattached permanent identifier

If any unattached permanent identifier is lost or stolen, the owner or person in charge of the property or cattle in respect of which the permanent identifier was issued must, within 7 days of becoming aware of the loss or theft, provide the authorised administrator with the following information:

- (a) that the permanent identifier has been lost or stolen,
- (b) the date that the identifier was lost or stolen, or if this is not known, the date the person became aware of the loss or theft,
- (c) details of the identifier.

Maximum penalty: 100 penalty units.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

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Subdivision 4 Additional requirements for sheep and goats**25F Information in relation to sheep and goats at saleyard**

- (1) On the arrival of any sheep or goats at a saleyard, the owner or person in charge of the sheep or goats must provide the stock and station agent who is to sell the sheep or goats with the following information:
 - (a) the number and type of sheep or goats,
 - (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the saleyard,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the stock and station agent each must:
 - (a) keep a record of that information and the property identification code or address of the saleyard for a period of at least, 2 years in the case of the agent, or 7 years in the case of the person providing the information, from the date on which it was provided, and
 - (b) if requested to do so by an inspector, produce the record for inspection.
- (3) A stock and station agent must not sell any sheep or goats unless he or she has kept a record under subclause (2) (a) in relation to the sheep or goats.
- (4) A stock and station agent must, within 28 days after selling any sheep or goats, provide the purchaser with a copy of the record under subclause (2) (a) in relation to the sheep or goats.

Maximum penalty: 100 penalty units.

25G Information in relation to sheep or goats at abattoir

- (1) On arrival of any sheep or goats at an abattoir, the owner or person in charge of the sheep or goats must provide the owner or person in charge of the abattoir with the following information:
 - (a) the number and type of sheep or goats,

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- (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the abattoir,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the abattoir each must:
- (a) keep a record of that information and the property identification code or address of the abattoir for a period of at least, 2 years in the case of the owner or person in charge of the abattoir, or 7 years in the case of the person providing the information, from the date on which it was provided, and
 - (b) keep a record of that information for a period of at least 2 years from the date on which it was provided, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25H Information in relation to sheep or goats arriving at property

- (1) On arrival of any sheep or goats at a property (the *current property*), the owner or person in charge of the sheep or goats must provide the owner or person in charge of the sheep or goats at the current property with the following information:
- (a) the number and type of sheep or goats,
 - (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the current property,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the sheep or goats at the current property each must:
- (a) keep a record of that information and the property identification code or address of the current property for a period of at least 7 years from the date on which it was provided, and

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Schedule 1 Amendments

-
- (b) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

Subdivision 5 Miscellaneous**[16] Clause 28 Assigning of identification codes by district registrars**

Insert “or on behalf of” after “on application by” in clause 28 (4) (b).

[17] Clause 28 (5)

Omit the subclause.

[18] Clause 29

Omit the clause. Insert instead:

29 Renewal of identification codes

An identification code remains in force for 3 years or for the period specified in writing by the district registrar, whichever is the shorter, and may be renewed by application to the district registrar.

[19] Clause 32 District registrars

Omit “(or person in charge)” from clause 32 (1) (a).

[20] Clause 32 (5)

Omit clause 32 (5) and (6). Insert instead:

- (5) A district registrar may allow any other person to have access at any reasonable time to the information recorded in a district register.

[21] Clause 33 Central register

Omit “on payment of such fee (if any) as the Director-General may determine” from clause 33 (5).

[22] Clause 34 Permanent identification register

Omit clause 34 (3). Insert instead:

- (3) The authorised administrator may allow any other person to have access at any reasonable time to the information recorded in the permanent identification register.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Amendments

Schedule 1

[23] Clause 36 Special identifiers

Omit “, 3” from clause 36 (3) (a).

[24] Clause 36 (3)

Omit “and the fee determined by the relevant board is paid to that board”.

[25] Clause 36 (4)

Omit the subclause.

[26] Clause 37 Special brands for unidentified pigs

Omit “pig, and” from clause 37 (2) (a) (ii). Insert instead “pig, or”.

[27] Clause 37 (2) (a) (iii) and (3)

Omit the subparagraph and subclause.

[28] Clause 38 Sale and supply of approved identifiers

Omit “Director-General, and” from clause 38 (1) (b) (iii).

Insert instead “Director-General.”.

[29] Clause 38 (1) (c) and (3)

Omit the paragraph and subclause.

[30] Clause 39 Records of unidentified stock sent to abattoirs

Insert “or food inspector” after “inspector” in clause 39 (2) (b).

[31] Clause 56A

Insert before clause 57:

56A Authorised officers: section 7 of Act

For the purposes of section 7 (4) of the Act, the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Schedule 1 Amendments

[32] Clauses 57A and 57B

Insert after clause 57:

57A Inspectors: section 17 of Act

For the purposes of section 17 (4) (b) of the Act, an inspector who is the Chief Veterinary Officer or who holds any the following positions within the Department is prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

57B Authorised officers: section 18 of Act

For the purposes of section 18 (3) of the Act, the Chief Veterinary Officer and the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

[33] Clause 61 Providing false or misleading information

Omit the Note to the clause. Insert instead:

Note. Section 20J of the *Stock Diseases Act 1923* and Part 5, Division 3 of the *Crimes Act 1900* contain offences in relation to the giving of false and misleading information.

Stock Diseases Amendment (Livestock Identification) Regulation 2005

Amendments

Schedule 1

[34] Schedule 1 Penalty notice offences

Insert in appropriate order by clause number in Columns 1 and 2 under the heading **Offences under this Regulation**:

Clause 25A	\$550
Clause 25B	\$550
Clause 25C	\$550
Clause 25D	\$550
Clause 25E	\$550
Clause 25F	\$550
Clause 25G	\$550
Clause 25H	\$550



New South Wales

Travel Agents Further Amendment (Fees) Regulation 2005

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*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary application fees for the restoration of licences payable under the *Travel Agents Act 1986*.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the restoration application fee is double the processing component of the annual fee (except where the applicant is designated as an ordinary partner in the application), and
- (b) the restoration application fee is higher than the annual fee but lower than the application fee for a new licence.

This Regulation is made under the *Travel Agents Act 1986*, including sections 8, 15, 17 and 57 (the general regulation-making power).

Clause 1 Travel Agents Further Amendment (Fees) Regulation 2005

Travel Agents Further Amendment (Fees) Regulation 2005

under the

Travel Agents Act 1986

1 Name of Regulation

This Regulation is the *Travel Agents Further Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

3 Amendment of Travel Agents Regulation 2001

The *Travel Agents Regulation 2001* is amended as set out in Schedule 1.

Travel Agents Further Amendment (Fees) Regulation 2005

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 of licence (corporation, other than partner)	\$95	nil	\$324 per place of business
Application fee for restoration of licence (corporation, other than partner)	\$50	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (corporation, other than partner)	\$25	nil	\$324 per place of business
Application fee for granting of licence (individual, other than partner)	\$95	nil	\$324 per place of business
Application fee for restoration of licence (individual, other than partner)	\$50	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (individual, other than partner)	\$25	nil	\$324 per place of business
Application fee for granting of licence (principal partner)	\$95	nil	\$324 per place of business
Application fee for restoration of licence (principal partner)	\$50	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (principal partner)	\$25	nil	\$324 per place of business
Application fee for granting of licence (ordinary partner)	\$72	nil	nil

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Travel Agents Further Amendment (Fees) Regulation 2005

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Application fee for restoration of licence (ordinary partner)	\$38	nil	nil
Annual fee under section 17 (1) of the Act (ordinary partner)	nil	nil	nil
Late fee under section 17 (8) of the Act	nil	\$48	nil
Application fee for replacement of licence	\$27	nil	nil
Issue of certificate under section 15 of the Act	nil	\$20	nil



New South Wales

Valuers Amendment (Fees) Regulation 2005

under the

Valuers Act 2003

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

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to vary the application fee payable under the *Valuers Act 2003* for restoration of registration as a valuer.

This Regulation is one of a number of Regulations, commencing on 16 January 2006, that vary restoration application fees for authorities, licences or certificates issued under Acts administered by the Minister for Fair Trading. The overall purpose of these Regulations is to promote consistency in the method used to calculate these fees. In line with this overall purpose, the amendments in this Regulation ensure that:

- (a) the processing component of the application fee for restoration of registration as a valuer is double the processing component of the application fee for renewal of registration as a valuer, and
- (b) the fixed component of the application fee for the restoration of registration as a valuer is the same as the fixed component of the application fee for renewal of registration as a valuer, and
- (c) the application fee for the restoration of registration as a valuer is higher than the renewal application fee but lower than the application fee for registration as a valuer.

This Regulation is made under the *Valuers Act 2003*, including sections 10 and 48 (the general regulation-making power).

Clause 1 Valuers Amendment (Fees) Regulation 2005

Valuers Amendment (Fees) Regulation 2005

under the

Valuers Act 2003

1 Name of Regulation

This Regulation is the *Valuers Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 16 January 2006.

3 Amendment of Valuers Regulation 2005

The *Valuers Regulation 2005* is amended as set out in Schedule 1.

Valuers Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 6)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Fixed component	Processing component	Total
Application fee for 3 year registration as a valuer	\$525	\$158	\$683
Application fee for renewal of registration	\$525	\$52	\$577
Application fee for restoration of registration	\$525	\$104	\$629
Application fee for a replacement of lost, damaged or destroyed certificate of registration	—	\$34	\$34

Orders



New South Wales

Transport Administration (Sydney Ferries—Fares) Amendment Order 2005

under the

Transport Administration Act 1988

I, Suzanne Sinclair, the Chief Executive Officer of Sydney Ferries, in pursuance of the *Transport Administration Act 1988*, make the following Order on behalf of Sydney Ferries.

Dated, this 8th day of December 2005.

Chief Executive Officer
Sydney Ferries

Explanatory note

The object of this Order is to amend the *Transport Administration (Sydney Ferries—Fares) Order 2004* for the following purposes:

- (a) to increase certain fares for Sydney ferry services (including those that are provided in conjunction with bus services provided by the State Transit Authority and rail services provided by RailCorp) from 3 January 2006,
- (b) to effect a change already made in the *Transport Administration (State Transit Authority—Fares) Order 2004* to extend the northern boundary of the northern zone in Sydney from Narrabeen Lagoon northwards to a point bounded by the section points at Jacksons Road and Walsh Street, North Narrabeen (this boundary extension will affect 4 passes—the Green TravelPass, the Orange TravelPass, the Pink TravelPass and the Yellow TravelPass).

This Order is made under the *Transport Administration Act 1988* including section 85 (Orders fixing charges).

Clause 1 Transport Administration (Sydney Ferries—Fares) Amendment Order 2005

Transport Administration (Sydney Ferries—Fares) Amendment Order 2005

under the

Transport Administration Act 1988

1 Name of Order

This Order is the *Transport Administration (Sydney Ferries—Fares) Amendment Order 2005*.

2 Commencement

This Order commences on 3 January 2006.

3 Amendment of Transport Administration (Sydney Ferries—Fares) Order 2004

The *Transport Administration (Sydney Ferries—Fares) Order 2004* is amended as set out in Schedule 1.

Transport Administration (Sydney Ferries—Fares) Amendment Order 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 13 Definitions

Omit “Narrabeen Lagoon” wherever occurring from the definitions of *Green TravelPass*, *Orange TravelPass*, *Pink TravelPass* and *Yellow TravelPass* in clause 13 (1).

Insert instead “Jacksons Road Reserve and Lakeside Caravan Park, bounded by the section points at Jacksons Road and Walsh Street, North Narrabeen”.

[2] Schedule 1 Charges

Omit Part 1. Insert instead:

Part 1 Sydney Ferry Services

Single Trip Fares

	Full fare \$	Concession \$
Inner Harbour Zone 1 service	5.00	2.50
Inner Harbour Zone 2 service	5.30	2.60
Manly (Freshwater class) ferry service	6.20	3.10
JetCat service (full fare only)	7.90	—
Parramatta City service	7.50	3.70
Rydalmere service	6.20	3.10
Upper Parramatta River service	5.30	2.60

Multi-trip Fares

	Full fare \$	Concession \$
FerryTen (Inner Harbour Zone 1 service)	32.50	16.20
FerryTen (Inner Harbour Zone 2 service)	34.50	17.20
FerryTen (Manly (Freshwater class) ferry service)	46.60	23.30
FerryTen (JetCat service) (full fare only)	65.70	—
FerryTen (Parramatta City service)	52.60	26.30

Page 3

Transport Administration (Sydney Ferries—Fares) Amendment Order 2005

Schedule 1 Amendments

	Full fare \$	Concession \$
FerryTen (Rydalmere service)	46.60	23.30
FerryTen (Upper Parramatta River service)	34.50	17.20

[3] Schedule 1, Part 3

Omit the Part. Insert instead:

Part 3 Periodical Fares

	Full fare \$	Concession \$
Weekly Periodical Fares		
Blue TravelPass	30.00	15.00
Red TravelPass	32.00	16.00
Orange TravelPass	37.00	18.50
Green TravelPass	40.00	20.00
Yellow TravelPass	44.00	22.00
Pink TravelPass	47.00	23.50
Pittwater TravelPass	51.00	25.50
Purple TravelPass	54.00	27.00

Quarterly Periodical Fares

The charge for a quarterly TravelPass ticket is 11 times that for the corresponding weekly TravelPass ticket.

Yearly Periodical Fares

The charge for a yearly TravelPass ticket is 40 times that for the corresponding weekly TravelPass ticket.

By-laws



New South Wales

University of New England By-law 2005

under the

University of New England Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Council of the University of New England under the *University of New England Act 1993*.

CARMEL TEBBUTT, M.P.,
Minister for Education and Training

Explanatory note

This By-law repeals and replaces the *University of New England By-law* and deals with the changes arising from the enactment of the *University Legislation Amendment Act 2004*.

This By-law makes provision for the following:

- (a) the recognition of additional staff members as members of the University,
- (b) the terms of office of certain members of the Council,
- (c) the number of external persons that are to be members of the Council,
- (d) the method of election of the Chancellor, Deputy Chancellor and other elected members of the Council,
- (e) the nomination procedures and method of appointment in relation to appointed members of the Council,
- (f) additional staff members of Convocation,
- (g) functions and other matters relating to Convocation,
- (h) the constitution and functions of the Academic Board,
- (i) the making of rules.

This By-law is made under the *University of New England Act 1993*, including sections 4, 9–11, 14, 15, 28 (the general power to make by-laws) and 29 and clauses 1 and 3 of Schedule 1.

University of New England By-law 2005

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University of New England By-law 2005

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Clause 1 University of New England By-law 2005

Part 1 Preliminary

University of New England By-law 2005

under the

University of New England Act 1993

Part 1 Preliminary

1 Name of By-law

This By-law is the *University of New England By-law 2005*.

2 Definitions

- (1) In this By-law:
the Act means the *University of New England Act 1993*.
- (2) Where this By-law empowers an authority or officer of the University to make rules, expressions used in any such rule have the same meaning as in the Act or in this By-law.
- (3) In this By-law, references to an authority, officer or office are to be construed as references to that authority, officer or office in and of the University.
- (4) In this By-law, a reference to the holder of an office is to be construed as including a reference to any person appointed to act for the time being in the place of the holder of the office.

3 Notes

Notes included in this By-law do not form part of this By-law.

University of New England By-law 2005

Clause 4

Additional members of the University

Part 2

Part 2 Additional members of the University

4 Additional staff members

The following members of the staff of the University are prescribed as additional members of the University, for the purpose of section 4 (c) of the Act:

- (a) the academic staff of the University that are not full-time members of the academic staff or professors,
- (b) the non-academic staff of the University.

Clause 5 University of New England By-law 2005

Part 3 The Council

Part 3 The Council

Division 1 The Constitution of the Council

5 The Chancellor and Deputy Chancellor

- (1) The Chancellor and Deputy Chancellor are to be elected according to procedures determined by the Council.
- (2) The Chancellor and Deputy Chancellor may, without specific appointment, exercise the right of membership of any committee of the University.

6 External members

- (1) Council is, by acting in accordance with the provisions of Division 3 of this Part, to appoint two external persons as members of the Council under section 9 (1) (c) of the Act.
- (2) Two external persons are to be elected to the Council, in accordance with the provisions of Division 2 of this Part, under section 9 (1) (h) of the Act.

7 Terms of office

- (1) For the purpose of section 10 (2) of the Act, the prescribed period (being the period for which the Chancellor holds office) is 5 years from the date of election.
- (2) A member of the Council elected in accordance with section 9 (1) (d)–(g) of the Act holds office for a term of 2 years from the date of election.
- (3) A member of the Council elected in accordance with section 9 (1) (h) of the Act holds office for a period of 4 years from the date of election.

Note. Clause 1 of Schedule 1 to the Act provides that a member appointed under section 9 (1) (b), (c) or (h) of the Act holds office for such term as may be specified in the member's instrument of appointment.

8 Casual vacancy

- (1) If a casual vacancy in the office of a member of the Council elected pursuant to section 9 (1) (d), (e), (f), (g) or (h) of the Act occurs within the first 12 months of the term of that office, the Council is to appoint as a member of the Council the candidate, if any, who in the election immediately preceding the occurrence of the vacancy received the greatest number of votes of the candidates for that office who were not elected and who remain qualified to hold that office. The candidate holds office for the remainder of the term of office of the candidate's predecessor.

University of New England By-law 2005

Clause 9

The Council

Part 3

-
- (2) If a casual vacancy in the office of a member of the Council elected pursuant to section 9 (1) (d), (e), (f), (g) or (h) of the Act occurs otherwise than within the first 12 months of the term of that office, or if a vacancy occurring within those 12 months cannot be filled under subclause (1), the Council must, as soon as practicable after the vacancy occurs, appoint a member (being a person qualified to hold that office) for the remainder of the term of office.

Division 2 Election of members of the Council

9 Returning Officer

- (1) An election of any elected member of the Council is to be conducted by the Secretary to the Council who is to be the Returning Officer for the election.
- (2) Subject to the provisions of the Act and this Division, the decision of the Returning Officer on all matters affecting the eligibility of candidates and the conduct and results of an election is to be final.
- (3) The Returning Officer is to appoint a Deputy Returning Officer, and may appoint further Deputy Returning Officers, and other persons, to assist the Returning Officer in the conduct of all or any part of an election.
- (4) An election is not invalid because of any failure from any cause to comply with a procedural requirement, or because of any mistake in the keeping of records or the sending of voting papers.

10 Rolls

The Returning Officer is to obtain the following separate Rolls at the time of calling for nominations:

- (a) a Roll of Academic Staff containing the names and addresses of those persons who are members of the academic staff of the University, employed half-time or greater than half-time, and who have had at least 12 months service at the University,
- (b) a Roll of Non-Academic Staff containing the names and addresses of those persons who are members of the non-academic staff of the University employed half-time or greater than half-time, and who have had at least 12 months service at the University, and whose names are not entered on the Roll of Academic Staff,
- (c) a Roll of Undergraduate Students containing the names and addresses of those persons enrolled as candidates proceeding to a bachelor's degree (including bachelor's honours), or diploma or certificate of the University, other than a graduate diploma or

Clause 11 University of New England By-law 2005

Part 3 The Council

graduate certificate, and whose names are not entered on the Roll of Academic Staff or the Roll of Non-Academic Staff or the Roll of Postgraduate Students,

- (d) a Roll of Postgraduate Students containing the names and addresses of those persons enrolled as candidates proceeding to a degree or diploma or certificate other than a bachelor's degree, bachelor's honours degree, or non-graduate diploma or non-graduate certificate, and whose names are not entered on the Roll of Academic Staff, or the Roll of Non-Academic Staff or the Roll of Undergraduate Students,
- (e) a Roll of Graduates containing the names and addresses of those persons who have completed the requirements for a course at the University and who have been admitted to the award, and whose names are not entered on the Roll of Academic Staff, or the Roll of Non-Academic Staff or the Roll of Undergraduate Students or the Roll of Postgraduate Students.

11 Qualifications for elected members

- (1) The qualification for election for a member of the Council referred to in section 9 (1) (d) of the Act is that the member must have his or her name entered on the Roll of Academic Staff at the time of the call for nominations for the election.
- (2) The qualification for election for the member of the Council referred to in section 9 (1) (e) of the Act is that the member must have his or her name entered on the Roll of Non-Academic Staff at the time of the call for nominations for the election.
- (3) The qualification for election for the member of the Council referred to in section 9 (1) (f) of the Act is that the member must have his or her name entered on the Roll of Undergraduate Students at the time of the call for nominations for the election.
- (4) The qualification for election for the member of the Council referred to in section 9 (1) (g) of the Act is that the member must have his or her name entered on the Roll of Postgraduate Students at the time of the call for nominations for the election.
- (5) The qualification for election for the member of the Council referred to in section 9 (1) (h) of the Act is that the member must have his or her name entered on the Roll of Graduates at the time of the call for nominations for the election.
- (6) A person who wishes to stand for election to Council and is eligible to do so by reason of having his or her name on more than one roll, may only accept nomination in one capacity.

University of New England By-law 2005

Clause 12

The Council

Part 3

-
- (7) In this clause, a reference to the call for nominations for the election is a reference to the date on which the notice is published under clause 3 of Schedule 1.

12 Qualifications to vote

- (1) An academic staff member is qualified to vote in an election for a member of the Council referred to in section 9 (1) (d) of the Act if his or her name is entered on the Roll of Academic Staff at the time of the call for nominations for the election.
- (2) A non-academic staff member is qualified to vote in an election for the member of the Council referred to in section 9 (1) (e) of the Act if his or her name is entered on the Roll of Non-Academic Staff at the time of the call for nominations for the election.
- (3) An undergraduate student is qualified to vote in an election for the member of the Council referred to in section 9 (1) (f) of the Act if his or her name is entered on the Roll of Undergraduate Students at the time of the call for nominations for the election.
- (4) A postgraduate student is qualified to vote in an election for the member of the Council referred to in section 9 (1) (g) of the Act if his or her name is entered on the Roll of Postgraduate Students at the time of the call for nominations for the election.
- (5) A graduate is qualified to vote in an election for the member of the Council referred to in section 9 (1) (h) of the Act if his or her name is entered on the Roll of Graduates at the time of the call for nominations for the election.
- (6) In this clause, a reference to the call for nominations for the election is a reference to the date on which the notice is published under clause 3 of Schedule 1.

13 Election procedure

Subject to the provisions of this Division, an election is to be conducted by secret ballot in accordance with the procedures set out in Schedule 1.

Division 3 Appointment of members of the Council

14 Nomination procedures relating to appointed members

- (1) The Council is to establish a Council Nominations Committee consisting of such persons as are determined by the Council.
- (2) At least 3 months before the term of office of a member of Council appointed under section 9 (1) (b) or (c) of the Act expires, the Council is to propose the names of persons who may be suitable for nomination

Clause 15 University of New England By-law 2005

Part 3 The Council

for appointment as such a member and forward the proposals to the Council Nominations Committee.

- (3) The Committee is to consider the proposals from the Council and determine which persons are to be nominated:
- (a) for consideration for appointment by the Minister, or
 - (b) for appointment by the Council,
- (as the case may be), and is to recommend the length of appointment for each such person.
- (4) The Committee is to forward its nominations:
- (a) in relation to appointments under section 9 (1) (b) of the Act, to the Council for presentation by the Chancellor to the Minister, and
 - (b) in relation to appointments under section 9 (1) (c) of the Act, to the Council.

15 Appointment procedure for members appointed by Council

If the Council receives, in accordance with clause 14 (4) (b), more nominations for appointment than there are positions available, the Council is to determine which persons are to be appointed to the Council.

University of New England By-law 2005

Clause 16

Convocation

Part 4

Part 4 Convocation

16 Additional staff members of Convocation

- (1) The following members of the staff of the University are prescribed as members of Convocation for the purpose of section 14 (1) (c) of the Act:
 - (a) staff whose period of service with the University is at least 12 months,
 - (b) staff who are invited by the Council to be a member of Convocation or who are part of a group of staff that is invited by the Council to be a member of Convocation.
- (2) For the purpose of section 14 (1) (d) of the Act, the Council may, by resolution, admit as members of Convocation such persons who the Council considers to have given outstanding service to the University or to be specially qualified to advance the interests of the University.

17 Function of Convocation

The function of Convocation is to submit to the Council such proposals as Convocation considers appropriate with respect to the interests of the University.

18 Quorum for meetings of Convocation

A quorum for a general meeting of Convocation is 100 members.

Clause 19 University of New England By-law 2005

Part 5 Academic Board

Part 5 Academic Board

19 Academic Board Membership

- (1) For the purpose of section 15 (1) (b) of the Act, the Council may determine any of the following to be members of the Academic Board:
 - (a) a Pro Vice-Chancellor,
 - (b) an Executive Dean or Associate Dean of any faculty,
 - (c) the head of an academic school,
 - (d) such officers of the University as may be prescribed by the rules,
 - (e) such elected members as may be prescribed by the rules of the University.
- (2) An officer, or class of officers, may be prescribed by the rules to be an Observer at Academic Board, with the right of attendance and debate at meetings of the Academic Board only.

20 Academic Board Executive

- (1) There is to be an Executive of the Academic Board consisting of the Chair and two Deputy Chairs elected by the Board.
- (2) A Chair or Deputy Chair must be a Professor or Associate Professor who is a member of the Academic Board.
- (3) The method of election and the term of office of the members of the Academic Board Executive may be prescribed by the rules.
- (4) The functions of the Academic Board Executive may be prescribed by the rules.

21 Primary function of Academic Board

The Academic Board is to report to the Council and advise the Council and the Vice-Chancellor on all developments and initiatives relating to and affecting the University's teaching and research activities and its educational programs.

22 Additional functions of Academic Board

The Academic Board has such additional functions as may be prescribed by the rules.

23 Committees

The Academic Board may establish such committees as it considers necessary to carry out its business and may establish terms of reference for such committees.

University of New England By-law 2005

Clause 24

Academic Board

Part 5

24 Quorum for meetings of Academic Board

At any meeting of the Academic Board or its Committees, one half of the voting membership plus one constitutes a quorum.

Clause 25 University of New England By-law 2005

Part 6 Rules

Part 6 Rules

25 Making of rules

- (1) The Council is empowered to make rules not inconsistent with the Act or this By-law for or with respect to any or all of the matters for or with respect to which By-laws may be made, except for those matters excluded under section 29 of the Act.
- (2) The Vice-Chancellor may, with the consent of the Council, make rules about any subject matter for or with respect to which the Council may make rules.

26 Publication of rules

As soon as possible after a rule is made or amended, it must be submitted to the Council for ratification, and promulgated by publication in the University Handbook and on the website of the University.

Note. Section 29 (2) (c) of the Act provides that a rule takes effect on the day on which it is published or on such later day as may be specified in the rule.

27 Inconsistency between rules

In the event of an inconsistency between rules, a rule of the Council will prevail to the extent of the inconsistency.

University of New England By-law 2005

Clause 28

Miscellaneous

Part 7

Part 7 Miscellaneous

28 Repeal

- (1) The *University of New England By-law* is repealed.
- (2) Any act, matter or thing that, immediately before the revocation of the By-law specified in subclause (1), had effect under that By-law is taken to have effect under this By-law.

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

Schedule 1 Procedures for the conduct of elections for members of the Council

(Clause 13)

1 Application of this Schedule

The procedures set out in this Schedule apply to and in respect of the election of members of the Council referred to in section 9 (1) (d), (e), (f), (g) or (h) of the Act.

2 Time periods relating to the conduct of elections

In the conduct of an election referred to in this Schedule, the Returning Officer is to allow an interval:

- (a) between the publication of the notice referred to in clause 3 and the time prescribed for the receipt of nominations, of not less than 14 days, and
- (b) between the time prescribed for the receipt of nominations and the issue of voting papers, of not more than 28 days, and
- (c) between the issue of voting papers and the time by which voting papers must be received by the Returning Officer, of not less than 14 days and not more than 28 days.

3 Publication of notices

- (1) Where an election for membership of the Council is necessary, the Returning Officer must publish a notice on notice boards in the University and on an electronic University notice board.
- (2) In the case of an election of an undergraduate or postgraduate student, the Returning Officer must advise external students by notice mailed or sent electronically to such students at the address on the relevant Roll.
- (3) A notice referred to in subclause (1) must:
 - (a) state that an election is necessary, and
 - (b) specify the class or classes of persons in the electorate, and
 - (c) set out the number of vacancies to be filled, and
 - (d) provide a statement about the duties and obligations of Council members under the Act, and
 - (e) invite nominations for election, and
 - (f) specify the form in which nominations are to be made, and
 - (g) prescribe the date and time by which nomination papers must be received by the Returning Officer, and
 - (h) specify how voting will take place.

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

- (4) The notice may contain such other information relating to the election as the Returning Officer thinks fit.

4 Nomination of candidates for election

- (1) Nomination of a person as a candidate at an election referred to in this By-law is to be made by sending or delivering a nomination paper to the Returning Officer.
- (2) A nomination paper must:
- (a) be signed by two persons entitled to vote at the election for which the person is nominated as a candidate, and
 - (b) be endorsed with, or accompanied by, the written consent of the person being nominated.
- (3) There is to be a separate nomination paper for each person nominated.
- (4) The Returning Officer must reject a nomination paper if the Returning Officer is satisfied that it is not made in accordance with this clause
- (5) A candidate nominated for election may not withdraw that nomination after the date and time prescribed under clause 3 (3) (g) of this Schedule.

5 Necessity for elections to be held and conduct of the ballot

- (1) Where, in an election of persons to whom this Schedule applies, the number of accepted nominations for the election does not exceed the number of vacancies to be filled, the Returning Officer must declare the person or persons nominated to be elected.
- (2) Where the number of accepted nominations for the election exceeds the number of vacancies to be filled, the Returning Officer must, either by electronic means or as hard copy, provide voting papers and a notice to each person:
- (a) whose name is on the Roll of Academic Staff, in the case of an election of persons referred to in section 9 (1) (d) of the Act, or
 - (b) whose name is on the Roll of Non-Academic Staff, in the case of an election of a person referred to in section 9 (1) (e) of the Act, or
 - (c) whose name is on the Roll of Undergraduate Students, in the case of an election of a person referred to in section 9 (1) (f) of the Act, or
 - (d) whose name is on the Roll of Postgraduate Students, in the case of an election of a person referred to in section 9 (1) (g) of the Act, or
 - (e) whose name is on the Roll of Graduates, in the case of an election of a person referred to in section 9 (1) (h) of the Act.

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

- (3) A notice referred to in subclause (2) must:
- (a) specify the manner in which the voting paper is to be completed, and
 - (b) state the date and time by which the completed voting paper must be received by the Returning Officer.
- (4) Where, before the declaration of the poll, a person:
- (a) who is nominated as a candidate for the election dies, or
 - (b) becomes no longer eligible to be elected,
- the election is to proceed as if the person had not been nominated and that person's name had not been included on the voting paper and any vote recorded in that person's favour had not been cast.

6 Manner of voting

- (1) A voter must, subject to subclause (2), place a cross in the square appearing opposite the name of each candidate for whom that voter intends to vote.
- (2) A voter must not vote for more candidates than there are vacancies to be filled at the election.
- (3) If a voter votes for more candidates than there are vacancies to be filled at the election, the vote is informal.

7 Voting security

- (1) Voting papers are to contain the names of candidates in random order determined by lot by the Returning Officer.
- (2) For voting papers issued in hard copy for an election referred to in section 9 of the Act, the following procedures are to be followed:
 - (a) an envelope marked "Voting Paper" and an envelope addressed to the Returning Officer are to be issued with the "Voting Paper",
 - (b) each voter must:
 - (i) place the voting paper completed in accordance with clause 6 of this Schedule in the envelope marked "Voting Paper" and seal that envelope, and
 - (ii) place that sealed envelope in the envelope addressed to the Returning Officer, and
 - (iii) complete the form of declaration of identity and voting entitlement to be enclosed with the "Voting Paper" envelope in the outer envelope and seal the outer envelope, and

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

- (iv) send by post or deliver the outer envelope containing the voting papers and declaration to the Returning Officer,
 - (c) on receipt of a sealed envelope addressed to the Returning Officer, the Returning Officer must open the outer envelope, and check the declaration with the relevant Roll keeping the declaration within the unsealed outer envelope,
 - (d) if the Returning Officer:
 - (i) is satisfied that the voter is qualified to vote in the election, the Returning Officer must place the outer envelope containing the voting paper and declaration in a ballot box and the voting paper envelope is to remain unopened until the close of the poll, or
 - (ii) is satisfied that the voter is not qualified to vote at the election, the Returning Officer must place the envelope in a receptacle for rejected voting papers and the envelope is to be destroyed forthwith after the declaration of the poll,
 - (e) after the close of the poll, the Returning Officer or persons appointed by the Returning Officer for the purpose, must open the voting paper envelopes placed in the ballot box and the Returning Officer must ascertain the result of the election in accordance with clause 9 of this Schedule.
- (3) For voting papers issued electronically, the Council must be satisfied that the process of voting is secure, such that:
- (a) only those persons eligible to vote do vote, and
 - (b) a voter is able to vote once and once only, and
 - (c) after assessing the eligibility of the voter to vote, the identity of the voter is separated from their vote, and
 - (d) the votes are stored securely to ensure an accurate count.

8 Voting conduct

The Returning Officer must:

- (a) not accept a vote unless the Returning Officer is satisfied that it has been cast by a person entitled to vote at the election and that the voter has only voted once at that election, and
- (b) not accept a vote unless it is received by the Returning Officer before the close of the poll, and
- (c) decide whether any vote is to be accepted or rejected, and

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

- (d) on written application made to the Returning Officer that a voting paper has been lost or destroyed, supply a duplicate voting paper to the person to whom the lost or destroyed voting paper was sent or delivered if the Returning Officer is satisfied that the voting paper was so lost or destroyed.

9 Counting of votes

- (1) In this clause, *continuing candidate*, in relation to any count, means a candidate not already declared elected.
- (2) The result of the ballot is to be ascertained by the Returning Officer in accordance with the following provisions:
- (a) the Returning Officer must examine the votes and reject those which do not comply with the requirements of this By-law,
 - (b) the Returning Officer must then count the total number of votes given to each candidate,
 - (c) the candidate polling the highest number of votes is to be declared elected,
 - (d) where the number of candidates to be elected is more than one, the candidate polling the next highest number of votes after the first candidate declared elected pursuant to paragraph (c) is also to be declared elected and the process of electing the candidate with the highest number of votes from the continuing candidates is to be continued until the number of vacancies has been filled.
- (3) If the total number of votes received by two or more candidates for any vacancy is equal and it is necessary to exclude one or more of them in respect of that vacancy, the Returning Officer must:
- (a) write the names of each candidate in respect of whom the determination is to be made on separate and similar slips of paper, and
 - (b) fold the slips so as to prevent identification, and
 - (c) place the folded slips in a receptacle and mix them together, and
 - (d) draw out a slip at random, and
 - (e) declare elected the candidate whose name appears on the slip drawn out.

10 Scrutineers

Each candidate at an election is entitled to nominate one scrutineer to be present at the count of votes.

University of New England By-law 2005

Schedule 1 Procedures for the conduct of elections for members of the Council

11 Votes not to be disclosed

A person must not in any way disclose or aid in disclosing the manner in which any voter has voted.

Note. An election is to be conducted by secret ballot (clause 13 of this By-law).

OFFICIAL NOTICES

Appointments

ART GALLERY OF NEW SOUTH WALES ACT 1980

Appointment of Trustees
Art Gallery of New South Wales Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Art Gallery of New South Wales Act 1980, the following persons being appointed as trustees of the Art Gallery of New South Wales Trust from 1 January 2006 to 31 December 2008:

- (i) David BAFFSKY AO (new appointment)
- (ii) Dr Lindy LEE, pursuant to section 6 (1) (new appointment)
- (iii) Steven Mark LOWY (new appointment)

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

The Cabinet Office, Sydney
14 December 2006

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the
Premier, Treasurer and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J. A. Watkins, M.P., Deputy Premier, Minister for Transport and Minister for State Development, to act for and on behalf of the Premier, as on and from 3 January 2006, with a view to him performing the duties of the office of the Premier during my absence from duty.

MORRIS IEMMA, M.P.,
Premier

COAL ACQUISITION (COMPENSATION) ARRANGEMENTS 1985

Instrument of Appointment of Members of the
New South Wales Coal Compensation Board

Her Excellency Professor Marie Bashir, A.C., Governor I, Professor Marie Bashir, AC, Governor of New South Wales, with the advice of the Executive Council and pursuant to the provisions of the Coal Acquisition (Compensation) Arrangements 1985, make the following appointment expiring on 31 March 2007 to fill a vacancy in the office of the member appointed under subclause 4 (b):

BRAD WILLIAM MULLARD as a member who is a
person employed in the Department.

Dated at Sydney this 7th day of December 2005

By Her Excellency's Command

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

The Cabinet Office, Sydney
14 December 2006

The Cabinet Office, Sydney
14 December 2006

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the
Minister for Planning, Minister for Redfern Waterloo,
Minister for Science and Medical Research and Minister
Assisting the Minister for Health (Cancer)

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J. Hatzistergos, M.L.C., Minister for Health, to act for and on behalf of the Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research and Minister Assisting the Minister for Health (Cancer), as on and from 6 April 2006, with a view to him performing the duties of the Honourable F. E. Sartor, M.P., during his absence from duty.

MORRIS IEMMA, M.P.,
Premier

The Cabinet Office, Sydney
14 December 2006

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the
Minister for Western Sydney, Minister for Fair Trading
and Minister Assisting the Minister for Commerce

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable A. B. Kelly, M.L.C., Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands and Minister for Rural Affairs, to act for and on behalf of the Minister for Western Sydney, Minister for Fair Trading and Minister Assisting the Minister for Commerce, as on and from 3 January 2006, with a view to him performing the duties of the Honourable D. Beamer, M.P., during her absence from duty.

MORRIS IEMMA, M.P.,
Premier

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the
Minister for Community Services and Minister for Youth

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised: the Honourable R. J. Debus, M.P., Attorney General, Minister for the Environment and Minister for the Arts, to act for and on behalf of the Minister for Community Services and Minister for Youth, from 27 December 2005 to 15 January 2006, with a view to him performing the duties of the Honourable R. P. Meagher, M.P., during her absence from duty; and the Honourable F. E. Sartor, M.P., Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research and Minister Assisting the Minister for Health (Cancer), to act

for and on behalf of the Minister for Community Services and Minister for Youth, as on and from 16 January 2006, with a view to him performing the duties of the Honourable R. P. Meagher, M.P., during her absence from duty.

MORRIS IEMMA, M.P.,
Premier

**CRIMES (ADMINISTRATION OF SENTENCES)
ACT 1999**

Reappointment of Chairperson
State Parole Authority

HER Excellency the Governor, with the advice of the Executive Council, pursuant to the Crimes (Administration of Sentences) Act 1999, has approved the reappointment of Ian PIKE as Chairperson of the State Parole Authority on and from 1 January 2006 until 31 December 2008.

TONY KELLY, M.L.C.,
Minister for Justice

FILM AND TELEVISION OFFICE ACT 1988

Appointment of Members

Board of the New South Wales Film and Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6A of the Film and Television Office Act 1988, the following persons being appointed as members of the Board of the New South Wales Film and Television Office from 1 January 2006 to 31 December 2008:

- (i) Penny CHAPMAN (new appointment)
- (ii) Andrew MASON (re-appointment)

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

FINANCIAL COUNSELLING TRUST FUND

Appointments

PURSUANT to clause 10 of the Financial Counselling Trust Fund Deed of Trust, I hereby appoint the persons listed hereunder as Trustees to the Financial Counselling Trust Fund:

- Chris CONNOLLY
- Hilary CLELAND
- Michael SILK
- Margaret FRANCES GRIFFITHS
- Violet ROUMELIOTIS

These appointments are made for a period of 3 years commencing 1 December 2005.

Dated this 1st day of December 2005.

DIANE BEAMER, M.P.,
Minister for Western Sydney, Minister for Fair Trading
and Minister Assisting the Minister for Commerce

LIBRARY ACT 1939

Appointment of Members

Library Council of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Library Act 1939, the following persons being appointed as members of the Library Council of New South Wales from 1 January 2006 to 31 December 2008:

- (i) Robert KNIGHT, pursuant to section 1 (b) (re-appointment)
- (ii) Paul MURNANE (re-appointment)
- (iii) Rob THOMAS (new appointment)

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

MINE SUBSIDENCE COMPENSATION ACT 1961

Appointment of Members to the Mine Subsidence Board

Her Excellency Professor Marie Bashir, A.C., Governor

I, Professor Marie Bashir, AC, Governor of New South Wales, with the advice of the Executive Council and pursuant to the provisions of section 5 of the Mine Subsidence Compensation Act 1961 do by this Order appoint the following persons as members of the Mine Subsidence Board for a period of three years commencing 2 November 2005:

Peter Joseph HAYES – nominated by the proprietors of colliery holdings

Phillip CARTER – nominated by the Minister for Commerce

Dated this 14th day of December 2005.

By Her Excellency's Command

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

POULTRY MEAT INDUSTRY ACT 1986

Poultry Meat Industry Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 4 (3) (b) of the Poultry Meat Industry Act 1986, hereby appoint:

James SAMPHIER of Douglas Park; and

Peter PULLEY of Tamworth,

as independent members of the Poultry Meat Industry Committee from the date of this appointment to 30 June 2006.

Dated this 14th day of November 2005

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

STATE RECORDS ACT 1998

Appointment of Members

Board of the State Records Authority of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 69 of the State Records Act 1998, the following persons being appointed as members of the Board of the State Records Authority of New South Wales from 1 January 2006 to 31 December 2008:

- (i) Stephen DAVIES (new appointment)
- (ii) Peter LOXTON, pursuant to section 69 (2) (b) and (4) (a) (re-appointment)
- (iii) Cr Darreia TURLEY, pursuant to section 69 (2) (a) and (3) (b) (re-appointment)

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

VETERINARY SURGEONS ACT 1986Appointment of Chairperson and Members
Veterinary Surgeons Investigating Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 24(3) of the Veterinary Surgeons Act 1986, re-appoint the chairperson and members of the Veterinary Surgeons Investigating Committee for a term commencing 1 January 2006 and expiring on 1 September 2006:

- Pursuant to section 24 (3) (a) – SMITH, Lorraine Mrs
(Chairperson)
- Pursuant to section 24 (3) (b) – KLETSAS, Theodora
Dr
- Pursuant to section 24 (3) (c) – ALEXANDER, John
Phillip Dr
- Pursuant to section 24 (3) (d) – CARTER, Tanya Dr
- Pursuant to section 24 (3) (e) – OAKES, Beverley Rita
Mrs

Dated this 17th day of November 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

VETERINARY SURGEONS ACT 1986

Appointment of President and Members

Veterinary Surgeons Board

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 5 (2) and section 6 of the Veterinary Surgeons Act 1986, has been pleased to re-appoint the President and members of the Veterinary Surgeons Board of New South Wales for a term commencing 1 January 2006 and expiring on 1 September 2006:

Pursuant to section 5 (2) (a) – McGILVRAY, Garth Dr
THOMPSON, Ruth Dr
CARTER, Tanya Dr

Pursuant to section 5 (2) (b) – JANE, Richard Dr
CRISP, Timothy Dr

Pursuant to section 5 (2) (c) – EVANS, David
Associate Professor

Pursuant to section 6 – McGILVRAY, Garth Dr
(President of the Board)

Dated this 25th day of November 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

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

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Graeme James SMITH (new member)	Bundarra Community Purposes Reserve Trust	Reserve No. 110007 Public Purpose: Community Purposes Notified: 27 March 1987 File Reference: AE87 R 8
Jodi Maree WALLWORK (new member)		
Kim Daina HARVIE (new member)		
Jennifer Gay DEZIUS (new member)		
Jean Irene JURD (re-appointment)		
Marie Lillian HARPER (re-appointment)		
Susanne Emily KENNY (re-appointment)		
For a term commencing 1 January 2006 and expiring 31 December 2010.		

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Timothy Arundel WRIGHT (re-appointment)	Turkey Creek Agricultural Hall Trust	Reserve No. 86546 Public Purpose: Agricultural Hall Notified: 24 November 1967 File Ref.: AE82 R 44
Peter Herbert CROFT (re-appointment)		
John Robert PEATFIELD (re-appointment)		
For a term commencing 1 January 2006 and expiring 31 December 2010.		

BOARD OF SURVEYING AND SPATIAL INFORMATION**Panorama Avenue (PO Box 143), Bathurst NSW 2795****Phone: (02) 6332 8238 Fax: (02) 6332 8240****SURVEYING ACT 2002**

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as a Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
COOPER, Matthew Damon	6 Coombar Close Coffs Harbour NSW 2450	1 July 2005
BOYLE, William John	17 Dean Street West Pennant Hills NSW 2125	28 October 2005
CHIDZEY, Ross John	11 Fourth Avenue Loftus NSW 2232	1 July 2005
EDWARDS, Murray Paul	28 Toucan Close Cameron Park NSW 2285	19 October 2005
HAMMONDS, Brian James	29 Nardoo Avenue Aberglasslyn NSW 2320	22 September 2005
McCULLOCH, David Saxon	21 Olivett Street Glenbrook NSW 2773	14 November 2005
OLIVER, Anthony James	243 Geoffrey Road Chittaway Point NSW 2261	13 October 2005
ORTIGER, Adam Douglas	33 Close Street Wallsend NSW 2287	24 October 2005
REAY, Andrew John	17 Gannet Street Mount Eliza Vic 3930	9 November 2005
SKELTON, Luke Gabriel	9 Rowan Crescent Merewether NSW 2291	1 July 2005
STOJANOVSKI, George	30 Spitz Avenue Newington NSW 2127	24 November 2005

W. A. WATKINS,
President
G. K. A. LEATHERLAND,
Registrar

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (b), the undermentioned persons has been Registered as a Mining Surveyors (Unrestricted) in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
BROWN, Matthew William	18 Nelson Street Raglan NSW 2795	1 November 2005
CHERRY, Daniel Patrick	12 Walter Street Rutherford NSW 2320	21 October 2005
HYSLOP, Andrew James	21 Colgong Crescent, Towradgi	18 October 2005

KORNEK, Shane Michael	NSW 2518 36/29 Park Road Corrimal NSW 2518	15 November 2005
PAGE, Terence Gregory	38 Kurrajong Circle, Cobar NSW 2835	14 July 2005

W. A. WATKINS,
President
G. K. A. LEATHERLAND,
Registrar

SURVEYING ACT 2002

Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10, the undermentioned Land Surveyors have been removed from the Register of Surveyors.

<i>Name</i>	<i>Date of Removal</i>	<i>Date of Registration</i>
ALEXANDER, Kelvin Wilson	1 November 2005	7 April 1954
ANDERSON, Toby Robert	1 November 2005	9 June 2004
APPS, Keith Douglas	1 November 2005	13 March 1987
AUSTIN, Kenneth John	1 November 2005	4 October 1966
BAKSMATI, Raymond Gable	1 November 2005	1 July 1998
BALLANTYNE, Robert Gordon	1 November 2005	30 September 1968
BARDSLEY, Alan Frederick	1 November 2005	1 April 1980
BARKER, Robert William	1 July 2005	22 March 1971
BEASLEY, Glenn Robert	1 November 2005	7 November 1994
BIRSE, Robert William	1 November 2005	1 October 1976
BLACKLEY, Philip Raymond	1 November 2005	29 September 1969
BLISS, Godfrey Allan	1 November 2005	22 September 1961
BOAKES, Ross Peter	1 November 2005	14 June 1990
BRACKENREG, Gareth Samuel	1 November 2005	3 October 1967
BRAY, Edward James	1 November 2005	22 March 1967
BROOKS, David Alfred	1 November 2005	11 March 1988
BUCKMAN, Mark Kevin	1 November 2005	18 March 1983
BULLOCK, Ralph Chard	1 November 2005	1 April 1968
BURG, Michael John	1 November 2005	21 January 1987
BURKE, Jonathan Frank	1 November 2005	23 September 1994

BURNS, Peter William	1 November 2005	24 October 1979	GREY, Mark Lee	1 November 2005	23 November 1984
BUTTSWORTH, Mark Ernest	1 November 2005	19 March 1982	HANNIGAN, Bryan Joseph	1 November 2005	11 June 1963
BYRNE, Paul Barry	1 November 2005	3 March 1989	HART, Anthony Peter	1 November 2005	18 September 1986
CALVIN, Grant Peter	1 November 2005	14 September 1984	HEATH, Glen John	1 November 2005	26 February 1993
CHAPMAN, Peter Charles	1 November 2005	10 October 1977	HOOI, Philip Chiew Kan	1 November 2005	7 February 1973
COLE, Michael Lindsay	1 November 2005	14 October 2002	HOWIE, John	1 November 2005	10 April 1967
COOPER, Barry Joseph	1 November 2005	13 March 1981	HUTCHINGS, Stanley Arthur	13 July 2005	23 September 1968
CORNISH, Peter Warren	1 November 2005	23 September 1994	IRELAND, Peter Michael	1 November 2005	23 August 1996
COUSIN, Ian Stewart	1 November 2005	14 September 1984	JARMAN, Anthony Robin	1 November 2005	1 April 1968
CRAM, Patrick Arthur	1 November 2005	30 September 1996	JUNEK, Gerard	1 November 2005	22 March 1991
CRISP, Gregory Alan	1 November 2005	26 May 1983	KEENA, Rodney John	1 November 2005	1 April 1968
CURREY, Brett Clifford	1 November 2005	4 June 1993	KELLY, William Patrick	30 September 2005	23 September 1955
CURTIS, Robert Louis	1 November 2005	4 February 1952	KEMP, Alastair Douglas	1 November 2005	25 September 1989
DALY, Andrew Edward	1 November 2005	20 March 2003	KEPREOTIS, Victor Peter	1 November 2005	17 March 1969
DALY, Terence Claude	1 November 2005	1 April 1968	LENTON, Geoffrey Mark	1 November 2005	8 February 1999
DAVEY, Stephen James	1 November 2005	1 April 1985	LOVE, Anthony Noel	1 November 2005	25 September 1978
DAVIS, John Arthur	1 November 2005	22 November 1999	LUTTON, Colin John	1 November 2005	25 September 1981
DAYMAN, John Stanley	1 November 2005	14 September 1984	MACDONALD, Ian Leslie	1 November 2005	1 October 1976
DOWDLE, Wayne Christopher	1 November 2005	17 September 1973	MacFARLANE, Ian George	1 July 2005	26 September 1975
DUNLOP, Robert Douglas	1 November 2005	3 October 1967	MACKINTOSH, Robert	18 October 2005	12 June 1970
ELDRIDGE, Warren Alan	1 November 2005	20 March 1972	McCLENAHAN, Richard Lawrence	1 November 2005	23 March 1984
ESLER, Patrick Francis	1 November 2005	24 September 1982	MCFALL, Glenn Arthur	1 November 2005	23 September 1994
FITZSIMMONS, Tony Robert	1 November 2005	29 March 1976	MCILWAINE, Gregory Charles	1 November 2005	20 March 1972
FORSYTH, Matthew Peter	1 November 2005	25 March 1994	MCNAUGHTON, John Edwin	1 November 2005	28 March 1961
FRANCIS, Kenneth	1 November 2005	30 September 1968	MEEHAN, Patrick Thomas	1 November 2005	5 December 2003
Lesleigh Alva			MEYER, Geoffrey Bruce	1 November 2005	13 September 1985
FRANSEN, Charles	1 November 2005	13 September 1991	MEYER, Michael John	1 November 2005	17 September 1993
FREEMAN, Robert Bruce	1 November 2005	13 February 1992	MONAGHAN, Gregory John	1 November 2005	21 November 1989
GALLEN, Geoffrey Francis	1 November 2005	6 October 1976	MORRISON, Christopher Brian	29 July 2005	19 March 1993
GILL, Peter Donald	1 July 2005	3 October 1967	MORTIMER, Gerald Fordyce	1 July 2005	25 October 1963
GLOVER, Richard Ashman	1 November 2005	26 September 1956	Knowles		
GORDON, Allan	1 November 2005	18 March 1977	MOULD, Blair William	1 November 2005	23 July 2004
GORDON, Thomas William	31 October 2005	6 March 1998	MURPHY, Kim Francis	1 November 2005	3 March 1989
GREENING, Stephen	1 November 2005	17 March 1969	O'CONNELL, Venessa Ann	1 November 2005	28 August 2003
GREGORY, Karen Elizabeth	1 November 2005	6 February 2003			

O'HAGAN, Paul Francis	1 November 2005	22 March 1971	THORNE, Stephen Richard	1 November 2005	19 March 1987
O'KANE, Peter Gerard	1 November 2005	24 September 1982	TOLL, Michael	1 November 2005	24 August 1979
OLIVER, Noel	1 November 2005	20 February 1974	TUCKER, Brian	1 November 2005	23 March 1984
PARKER, William Sydney	1 November 2005	24 March 1966	VAN DER WERFF, John Lubbertus	1 November 2005	1 April 1974
PARSONS, David John	1 November 2005	23 March 1984	WATKINS, Michael Andrew	1 July 2005	26 October 1968
PEARSON, Jace Thomas	1 November 2005	11 March 1988	WEEKES, Carol Joy	1 November 2005	25 March 1994
PETERSEN, John Nelson	1 November 2005	1 October 1975	WHITE, Craig John	1 November 2005	23 July 1999
PIGG, William Thomas	24 October 2005	29 March 1974	WOOD, Keith Henry	1 November 2005	24 September 1982
PIKE, Robert Alfred	30 September 2005	24 September 1982	WRIGHT, Peter Terence	1 November 2005	17 May 1961
POWELL, Ian Thomas	1 November 2005	1 April 1968			W. A. WATKINS, President
RALSTON, Robert Bruce	1 November 2005	2 December 2003			G. K. A. LEATHERLAND, Registrar
RAWLING, Stephen	1 November 2005	21 March 1978			
RICHARDS, John Brian	1 November 2005	23 October 1967			
RICHMOND, Peter David	1 November 2005	22 April 2004			
RITCHIE, Wayne Vincent	1 November 2005	24 September 1982			
ROBINSON, Paul James	1 July 2005	18 March 1977			
ROWLEY, Desmond Alfred	1 November 2005	25 September 1964			
RUSSELL, Maxwell Eric	1 November 2005	18 September 1970			
SARGENT, Mark Christopher	1 November 2005	29 February 2000			
SAUNDERS, Warren Raymond	1 November 2005	7 December 1999			
SAYE, Brian William	1 November 2005	31 December 1992			
SEARL, Philip Harold	1 November 2005	18 March 1983			
SHANNON, Michael Thomas	1 November 2005	6 April 2004			
SHAW, Peter James	1 November 2005	1 April 1980			
SHEERIN, Ian Vincent	1 November 2005	20 March 1972			
SHOEBRIDGE, Morgan	1 November 2005	6 July 2000			
SMITH, Eric Kenneth	1 November 2005	11 May 2005			
SOUTER, Ian James	1 November 2005	19 March 1979			
ST GEORGE, Terence	1 November 2005	30 September 1974			
STEIGENBERGER, Gary John	1 November 2005	4 July 2003			
STONE, Peter Edward	1 November 2005	21 March 1975			
STREETER, Roderick Laird	1 November 2005	17 March 1969			
THORNE, Matthew Gerard	1 November 2005	14 March 1986			

SURVEYING ACT 2002

Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10, the undermentioned Mining Surveyors have been removed from the Register of Surveyors.

<i>Name</i>	<i>Date of Removal</i>	<i>Date of Registration</i>
ADIE, Raymond James	1 November 2005	23 July 2003
BAUM, Bruce Andrew	22 August 2005	1 July 2004
BERRY, Michael Andrew	1 November 2005	31 October 2003
BROOKS, David Alfred	1 November 2005	1 July 2004
DAVIS, Simon	1 November 2005	31 October 2003
EASON, Peter Henry Leonard	1 November 2005	30 October 2003
GLENCORSE, Stephen George	1 November 2005	15 July 2004
LOOMES, Andrew James	1 November 2005	28 July 2003
LORD, Grant Leslie	1 November 2005	1 July 2004
MURPHY, Kim Francis	1 November 2005	1 July 2004
OGDEN, Paul Lewis	12 September 2005	18 September 2003
PATTERSON, Derek	1 November 2005	23 October 2003
SLARKE, Robert Bruce	25 August 2005	23 July 2003
SMITH, Jonathon	31 October 2005	29 October 2003
STEUART, Phillip Lesley	1 August 2005	29 September 2003
STRATTON, Craig Anthony	1 November 2005	23 October 2003
TODHUNTER, Clinton John	12 September 2005	19 November 2004

WILLIAMS, Glenn Alexander	1 November 2005	1 July 2004	FRANCIS, Kenneth Lesleigh Alva	30 September 1968	1 November 2005	25 November 2005
		W. A. WATKINS, President	FRANSEN, Charles	13 September 1991	1 November 2005	28 November 2005
		G. K. A. LEATHERLAND, Registrar	FREEMAN, Robert Bruce	13 February 1992	1 November 2005	30 November 2005

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned Land Surveyors have been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>			
ALEXANDER, Kelvin Wilson	7 April 1954	1 November 2005	2 December 2005	HAYES, Lance Edmond	8 January 2004	1 November 2005
APPS, Keith Douglas	13 March 1987	1 November 2005	28 November 2005	HEATH, Glen John	26 February 1993	1 November 2005
AUSTIN, Kenneth John	4 October 1966	1 November 2005	28 November 2005	HIGGS, Charles Robert	11 September 1987	1 November 1992
BARDSLEY, Alan Frederick	1 April 1980	1 November 2005	5 December 2005	HOWIE, John	10 April 1967	1 November 2005
BEASLEY, Glen Robert	7 November 1994	1 November 2005	25 November 2005	HUEBNER, Thorsten Hans-Jurgen	18 July 1996	10 November 1999
BIRSE, Robert William	1 October 1976	1 November 2005	21 November 2005	JARMAN, Anthony Robin	1 April 1968	1 November 2005
BLACKLEY, Philip Raymond	29 September 1969	1 November 2005	28 November 2005	JUNEK, Gerard	22 March 1991	1 November 2005
BRAY, Edward James	22 March 1976	1 November 2005	29 November 2005	KEMP, Alastair Douglas	25 September 1989	1 November 2005
BROOKS, David Alfred	11 March 1988	1 November 2005	23 November 2005	KEPREOTIS, Victor Peter	17 March 1969	1 November 2005
BUCKMAN, Mark Kevin	18 March 1983	1 November 2005	28 November 2005	LOVE, Anthony Noel	25 September 1978	1 November 2005
BURNS, Peter William	24 October 1979	1 November 2005	30 November 2005	LUTTON, Colin John	25 September 1981	1 November 2005
BYRNE, Paul Barry	3 March 1989	1 November 2005	24 November 2005	McCLENAHAN, Richard Lawrence	23 March 1984	1 November 2005
CALVIN, Grant Peter	14 September 1984	1 November 2005	25 November 2005	McILWAINE, Gregory Charles	20 March 1972	1 November 2005
CHAPMAN, Peter Charles	10 October 1977	1 November 2005	28 November 2005	McNAUGHTON, John Edwin	28 March 1961	1 November 2005
COLE, Michael Lindsay	14 October 2002	1 November 2005	25 November 2005	MEEHAN, Patrick Thomas	5 December 2003	1 November 2005
CORNISH, Peter Warren	23 September 1994	1 November 2005	5 December 2005	MEYER, Geoffrey Bruce	13 September 1985	1 November 2005
CRISP, Gregory Alan	26 May 1983	1 November 2005	25 November 2005	MEYER, Michael John	17 September 1993	1 November 2005
CURTIS, Robert Louis	4 February 1952	1 November 2005	1 December 2005	MONAGHAN, Gregory John	21 November 1989	1 November 2005
DALY, Andrew Edward	20 March 2003	1 November 2005	30 November 2005	MURPHY, Kim Francis	3 March 1989	1 November 2005
DAVEY, Stephen James	1 April 1985	1 November 2005	24 November 2005	O'HAGAN, Paul Francis	22 March 1971	1 November 2005
DAVIS, John Arthur	22 November 1999	1 November 2005	28 November 2005	O'KANE, Peter Gerard	24 September 1982	1 November 2005
DOWDLE, Wayne	17 September 1973	1 November 2005	24 November 2005	OLIVER, Noel	20 February 1974	1 November 2005
CHRISTOPHER ELDRIDGE, Warren Alan	20 March 1972	1 November 2005	29 November 2005	PARKER, William Sydney	24 March 1966	1 November 2005
ESLER, Patrick Francis	24 September 1982	1 November 2005	28 November 2005	PARSONS, David John	23 March 1984	1 November 2005
				PETERSEN, John Nelson	1 October 1975	1 November 2005
				RAWLING, Stephen	21 March 1978	1 November 2005

RITCHIE, Wayne Vincent	24 September 1982	1 November 2005	9 November 2005
ROWLEY, Desmond Alfred	25 September 1964	1 November 2005	1 December 2005
RUSSELL, Maxwell Eric	18 September 1970	1 November 2005	9 November 2005
SARGENT, Mark Christopher	29 February 2000	1 November 2005	2 December 2005
SAUNDERS, Warren Raymond	7 December 1999	1 November 2005	25 November 2005
SAYE, Brian William	31 December 2005	1 November 2005	30 November 2005
SEARL, Philip Harold	18 March 1983	1 November 2005	25 November 2005
SHANNON, Michael Thomas	6 April 2004	1 November 2005	23 November 2005
SHOEBRIDGE, Morgan	6 July 2000	1 November 2005	5 December 2005
SMITH, Eric Kenneth	11 May 2005	1 November 2005	28 November 2005
STEIGENBERGER, Gary John	4 July 2003	1 November 2005	25 November 2005
STREETER, Roderick Laird	17 March 1969	1 November 2005	28 November 2005
THORNE, Matthew Gerard	14 March 1986	1 November 2005	25 November 2005
THORNE, Stephen Richard	19 March 1987	1 November 2005	24 November 2005
TOLL, Michael Alan	24 August 1979	1 November 2005	29 November 2005
WEEKES, Carol Joy	25 March 1994	1 November 2005	29 November 2005
WOOD, Keith Henry	24 September 1982	1 November 2005	24 November 2005
WRIGHT, Peter Terence	17 May 1961	1 November 2005	24 November 2005

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, Section 10 (1)(a), the undermentioned Mining Surveyors (Open Cut) have been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
ADIE, Raymond James	23 July 2003	1 November 2005	30 November 2005
BROOKS, David Alfred	1 July 2004	1 November 2005	23 November 2005
MURPHY, Kim Francis	1 July 2004	1 November 2005	25 November 2005

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, Section 10 (1) (a), the undermentioned Mining Surveyors (Unrestricted) have been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
LORD, Grant Leslie	1 July 2004	1 November 2005	25 November 2005
PECK, Jeffrey Ian	3 November 2003	1 November 2004	2 September 2005
STRATTON, Craig Anthony	23 October 2003	1 November 2005	28 November 2005
WILLIAMS, Glenn Alexander	1 July 2004	1 November 2005	7 December 2005

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYING ACT 2002

Certificate of Meritorious Service

PURSUANT to the provisions of Clause 4K of the Surveying Regulation 2001, the undermentioned Land Surveyors have been awarded a Certificate of Meritorious Service in recognition of their long service and contribution to the surveying profession in New South Wales, with effect 8 December 2004.

<i>Name</i>	<i>Removed from Register</i>	<i>Date of Original Registration</i>
BARKER, Robert William	1 July 2005	22 March 1971
GILL, Peter Donald	1 July 2005	3 October 1967
HUTCHINGS, Stanley Arthur	13 July 2005	23 September 1968
KELLY, William Patrick	30 September 2005	23 September 1955
MacFARLANE, Ian George	1 July 2005	26 September 1975
MACKINTOSH, Robert	18 October 2005	12 June 1970
MORTIMER, Gerald Fordyce	1 July 2005	25 October 1963
Knowles		
PIGG, William Thomas	24 October 2005	29 March 1974
POWELL, Ian Thomas	1 November 2005	1 April 1968
ROBINSON, Paul James	1 July 2005	18 March 1977

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

ERRATUM

IN the notification appearing in the *Government Gazette* of 18 November 2005, Folio 9546, under the heading Granting of a Western Lands Lease the schedule should be replaced by the schedule hereunder.

SCHEDULE

Administrative District – Walgett North; LGA – Walgett; Parish – Wallangulla; County – Finch

WLL No.	Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area (m ²)	Term of Lease	
						From	To
WLL 14536	Lars Christer LINDBERG and Anne-Maj Gota LINDBERG	86	1073508	86/1073508	2440m ²	14-Nov-2005	13-Nov-2025
WLL 14560	Kenneth George STEVENSON	79	1073508	79/1073508	2645m ²	14-Nov-2005	13-Nov-2025
WLL 14545	John Arthur Noel LAWRIE	90	1073508	90/1073508	2576m ²	14-Nov-2005	13-Nov-2025
WLL 14573	Thomas H. KOORNEEF	88	1057617	88/1057617	1579m ²	14-Nov-2005	13-Nov-2025
WLL 14520	Daphne Rose FERNANDO	17	1076808	17/1076808	2267m ²	14-Nov-2005	13-Nov-2025

IAN MACDONALD M.L.C.,
Minister for Natural Resources

GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the roads are extinguished. Upon 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 – Gordon; County – Wallace
Land District – Cooma
Council – Snowy River Shire Council

Lot 8, DP 1087439 (not being land under the Real Property Act). File Reference GB03 H 168 BA

SCHEDULE

Note: On closing, the land within Lot 8, DP 1087439 remains vested in Snowy River Shire Council as operational land under the provisions of section 43, Roads Act 1993.

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

IN pursuance of the provisions of section 257 of the Roads Act 1993 the order "Notification of Closing of Roads" appearing in the *Government Gazette* of 19 November 2005, Folio 9549, under the heading "Grafton Office" specifying "Notification of Closing of Public Roads" and "Land District – Bellingen; Shire – Bellingen Shire Council; Parish – North Bellingen; County – Rous" is corrected by deletion of the of the words "County – Rous" and by insertion in lieu the words "County – Raleigh".

Papers: GF02 H 113.

ERRATUM

IN pursuance of the provisions of section 257 of the Roads Act 1993 the order "Transfer of a Crown Road to a Council" appearing in the *Government Gazette* of 19 November 2005, Folio 9549, under the heading "Grafton Office" specifying "Roads Act 1993" and "Land District – Bellingen; Shire – Nambucca Shire Council; Parish – Valley Valley; County – Raleigh" is corrected by deletion of the of the words and figures "separating Lot 1131 and Lot 1132, DP 62947, north of Lot 1131, DP 62947" and by insertion in lieu the words and figures "separating Lot 1131 and Lot 1132, DP 629471, north of Lot 1131, DP 629471".

Papers: GF05 H 862.

TONY KELLY, M.L.C.,
Minister for Lands

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (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.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Parish – Narara; County – Northumberland
Land District – Gosford
Local Government Area – Gosford*

Road Closed: Lot 1, DP 1087765 at Somersby. File Reference: MD04 H 229

Note: On closing, the land within Lot 1, DP 1087765 will remain vested in the Crown as Crown land.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

PURSUANT to section 92 (1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1

North Coast Ministerial
Corporation Reserve Trust

COLUMN 2

Reserve No. 1011088
Public Purpose: Future
Public Requirements
Notified: 9 December 2005
File Reference: GF05 R 129

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 – Eldon; County – Gloucester
Land District – Newcastle;
Local Government Area – Port Stephens*

Road Closed: Lot 1, DP 1087308 at Raymond Terrace.
File Reference: MD04 H73

SCHEDULE

On closing, the land within Lot 1, DP 1087308 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993. Council's reference: A2004-0939

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

RESERVATION OF CROWN LAND

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

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land Districts: Mudgee and Rylstone	Reserve No. 1011188
Local Government Area: Mid-Western Regional Council	Public Purposes: Public Recreation, Environmental Protection, Rural Services, Heritage Purposes
Locality: Barigan	
Crown land shown by heavy edging on plan Catalogued O.R. 443 in the Department of Lands, Orange.	
Parishes: Bara, Barigan, Botobolar, Budden, Burrumbelong, Coggan, Fitzgerald, Growee, Hawkins, Louee, Price, Rumker and Wollar.	
County: Phillip	
Area: About 25,500 hectares	
File Reference: OE05 R 6	
Notes: (i) Any licences current within this area remain unaffected by this notice.	
(ii) It is not intended to revoke any of the current reserves within this area.	

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****ERRATUM**

IN the *Government Gazette* dated 18 November, 2005, Folio 9556, under the heading "APPOINTMENT OF TRUST BOARD MEMBERS". Please amend the notification in Column 1 by deleting "Robert GEORGE" and replacing it with "Robert George FOSTER". WA80 R 112

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

*Parish – South Gundagai; County – Wynyard
Land District – Gundagai; Shire – Gundagai*

SCHEDULE 1

Crown Public Road of variable width commencing at the north eastern boundary of Lot 2, DP 560918 and continuing north along Happy Valley Road for approximately 80.47 metres then west for approximately 48.88 metres to the eastern boundary of Lot 1, DP 633861; then south for approximately 80.47 metres to the north western corner of Lot 2, DP 560918 and then in a east along the northern boundary of Lot 2, DP 560918 for approximately 48.88 metres to the point of commencement.

SCHEDULE 2

Roads Authority: Gundagai Shire Council. File No.: WA05 H 389

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

*Parish – Tumbarumba; County – Selwyn
Land District – Tumbarumba; Shire – Tumbarumba*

SCHEDULE 1

Crown Public Road 20.115 wide described as the road north of Lot 636, DP 755892.

SCHEDULE 2

Roads Authority: Tumbarumba Shire Council. File No.: WA05 H 551

NOTIFICATION OF CLOSING OF A ROAD

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

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Parish – Turramia; County – Denison
Land District – Corowa; Shire – Corowa*

Lot 1, DP 1085769 at Collendina. File No.: WA03 H 147

Note: On closing, the land within Lot 1, DP 1085769 remains vested in the State of New South Wales as Crown land.

Department of Natural Resources

WATER ACT 1912

APPLICATIONS under Part 8, being within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

Applications for Approval of Controlled Works under Section 167 within the Proclaimed (declared) Local Area described hereunder have been received as follows:

Namoi River Valley

Philip Stephen McRAE and Rachel Mary McRAE for Controlled Works consisting of tailwater works, supply channels, water storages and surge area on the Upper Namoi Floodplain (Mooki river) on Lot 2, DP 751015, Parish of Ferrier, County of Buckland on the property known as "Boondah" for irrigation and/or drainage development on the floodplain and conservation of water. Ref: 90CW810929.

Wayne Michael CAMPBELL and Kay Lynette CAMPBELL for Controlled Works consisting of levees, supply channels and water storages on the Upper Namoi Floodplain on Part Lots 52, 112 and 67 and Lots 105, 111, 190, 191 and 192, DP 754931, Lot 1, DP 927922 and Lot 4, DP 585446, Parish of Burburgate, County of Nandewar on the property known as "Weroona" for prevention of inundation of land and irrigation and/or drainage development on the floodplain and conservation of water. Ref: 90CW810939.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the Proclaimed Area, whose interest may be affected must be lodged with the Department's Resource Access Manager at Tamworth by 10 January 2006.

Plans showing the location of the works referred to in the above application may be viewed at the Tamworth, Gunnedah or Moree offices of the Department of Natural Resources. GA2472350.

GEOFF CAMERON,
Manager Resource Access

Department of Natural Resources,
PO Box 550, Tamworth NSW 2340

WATER ACT 1912

APPLICATIONS for licenses under section 10 of Part 2 of the Water Act 1912 have been received as follows:

STANFORD LAND PTY LIMITED for a pump on Congewai Creek on Lots 7 and 8, DP 7396, Parish of Ellalong, County of Northumberland, for irrigation of 6.0 hectares (improved pasture; new license, permanent water transfer from 20SL060319) 20SL061626

FAME COVE THREE PTY LIMITED for a pump on Congewai Creek on Lots 9 and 10, DP 1069057, Parish of Ellalong, County of Northumberland, for irrigation of 6.0 hectares (improved pasture; new license, permanent water transfer from 20SL060319) 20SL061627

Iain Gavin Nairn GIDLEY-BAIRD and Terry Ann GIDLEY-BAIRD for a pump on the Goulburn River on Lot 2, DP 1059802, Parish of Denman, County of Brisbane, for irrigation of 10.0 hectares (improved pasture; replacement license, permanent water transfer from 20SL050739) 20SL061618

Augustin John McCORMICK, Kathleen Ann McCORMICK, Kenneth John McCORMICK and Michael Augustin McCORMICK for a pump on the Goulburn River on Lot 131, DP 750924, Parish of Denman, County of Brisbane, for irrigation of 20.0 hectares (green tea; replacement license with change of location and purpose) 20SL061636

Peter Robert DAWSON and Estelle Ivy DAWSON for a pump on the Hunter River on part Lot 21, DP 871078, Parish of Moonan, County of Durham for water supply for stock and domestic purposes (exempt from current embargo) 20SL061621

Margaret Lynette CAMERON and Thomas Edward CARSON for a pump on Thompsons Creek on an easement within Lot 7, DP 255982, Parish of Melbourne, County of Brisbane for water supply for stock and domestic purposes (exempt from current embargo) 20SL061619

Peter RILEY and Marion RILEY for a pump on the Paterson River on part Lot 19, DP 249257 Parish of Houghton, County of Durham for water supply for domestic purposes and water supply for domestic purposes to the occupiers of Lots 21 and 23, DP 249257 (exempt from current embargo) 20SL061527

Paul Arthur LIPPIATT and Margaret Ann LIPPIATT for a pump on the Allyn River on Lot 1, DP 729730 and Lot 23, DP 778645, both Parish of Avenal, County of Durham for irrigation of 1.0 hectare (improved pasture and vegetables; new license, permanent water transfer from 20SL044674) 20SL061623

Diane Lisbeth THORNTON-SMITH for a pump on the Allyn River on Lot 94, DP 746774, Parish of Fingal, County of Durham for irrigation of 2.0 hectares (grapes; new license, permanent water transfer from 20SL044674) 20SL061624

Any inquiries regarding the above should be directed to Brian McDougall (02) 4929 9817.

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

VICKI McBRIDE,
A/Resource Access Manager,
Hunter Region

Department of Natural Resources,
PO Box 2213, Dangar NSW 2309

WATER ACT 1912

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

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

Lachlan River Valley

RONALD JAMES MURRAY for a pump on Lake Cargelligo on Part Reserve 60288, Lot 7049, DP 1023913, Parish Gurangully, County Dowling for water supply for industrial purposes (piggery) (replacement licence, new pump site – existing entitlement) (GA2:522353) (Ref: 70SL091057).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected, must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VIV RUSSELL,
Resource Access Manager

Department of Natural Resources,
Central West Region,
PO Box 136, Forbes NSW 2871

WATER ACT 1912

Order Under Section 113A

Embargo on any Further Applications for
Sub-Surface Water Licences

NSW Southern Highlands

Parishes of Belanglo, Murrimba, Bundanoon, Wingello,
Kangaloon, Burke and Wongawilli

THE Water Administration Ministerial Corporation, pursuant to section 113A of the Water Act 1912, being satisfied that the water source in the attached Schedule is unlikely to be able to supply water sufficient to meet the requirements of those already entitled by law to take water from the water source (and such other requirements for water from the sources as have been determined by the Ministerial Corporation), now declares that on and from the date of publication of this Order in the *Government Gazette* and a newspaper circulating locally, no further applications for a licence under Part 5 of the Water Act 1912 may be made, except as specified below, until this Order is revoked by a subsequent Notice similarly published.

This Order relates to all applications for groundwater licences, issued under Part 5 of the Water Act 1912, other than applications for licences for:

1. Private domestic purposes (up to 1ml/yr)
2. Stock purposes (up to 2ml/yr); excludes intensive farming eg. feedlots/piggeries.
3. Farming purposes (up to 4ml/yr); typically includes hygiene purposes such as wash-down of stalls and dairies, also preparation of sprays, and the like.
4. Water supply for research, teaching or Aboriginal cultural purposes (max 10ml/yr).
5. Town or village water supply purposes.
6. Bores on any property where there is an existing licence to which a groundwater allocation applies (defined in section 105 of the Act) and no increase in allocation is sought.
7. Conversion to a Production Bore licence where a test bore licence already exists (this exemption provision expires on 30 June 2006).
8. Bores for testing or monitoring purposes where there will be no extraction of groundwater apart from that required for periodic water quality sampling.
9. Bores for which an approved transfer (trade) of entitlement has been arranged.
10. Bores installed and operated prior to gazettal of this Notice.

Date: 16 December 2005

Signed for the Water Administration Ministerial Corporation

MARWAN EL-CHAMY,
A/Regional Director,
Department of Natural Resources

SCHEDULE

All the groundwater zones in the shaded area as shown on the diagram hereunder:



WATER ACT 1912

Notice of Withdrawal of Pumping Suspensions
Under Section 22B

Maryland River, Koreelah, Peacock, Tunglebung, Duck,
Tooloom and Bean Creeks and their Tributaries

THE Department of Natural Resources advises that the pumping suspensions under section 22B of the Water Act 1912, relating to the Maryland River, Koreelah, Peacock, Tunglebung, Duck, Tooloom and Bean Creeks and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping suspensions so imposed are now cancelled. GA2: 476149

Dated this 13th day of December 2005.

G. LOLLBACK,
Resource Access Manager,
North Coast Region,
Grafton

WATER ACT 1912

APPLICATION under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

Application for a joint water supply scheme under section 20 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Unregulated Barwon River Valley

C & L PASTORAL COMPANY PTY LTD for 1 pump on the Barwon River, Lot 2, DP 1018481, Parish of Welman, County of Clyde for Irrigation of 10.5ha (lucerne) (transfer of existing entitlement 80SL046546) (new license 80SL096226). This application is the result of a transfer in

accordance to the Barwon/Darling Interim trading rules, there is no additional annual volumetric allocation.

Written objections to the application specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed area and must be lodged with the Department's Office at Tamworth within twenty-eight (28) days as prescribed by the Act.

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

PAMELA MARY JILL HATTEN TULLY to replace an existing artesian bore under the Cap and Pipe the bore scheme, Lot 2533, DP 764496, Parish of Cooper, County of Gunderbooka for water supply for Stock and Domestic purposes to Lot 2533, DP 764496, Parish of Cooper, Lot 2534, DP 764497 Parish of Nidgerie, Lot 19, DP 753579, Lot 696, DP 761764 and Lot 15, DP 753579, Parish of Talaa, Lot 5728, DP 768628, Parish of Mooramia, Lots 19–22, DP 753546 and Lot 17, DP 753546, Parish of Brandis, Lots 83, 84 and 101, DP 753547 and Lot 6361, DP 768183, Parish of Bullamunta, all in County of Gunderbooka (new license) (80BL243151)

WILLIAM RODERICK AND BRUCE ANDREW FINLAYSON for a new artesian bore, Lot 4053, DP 766526, Parishes of Carcool and Braltchee, County of Narran, for water supply for Stock and Domestic purposes to Lot 4053, DP 766526, Parishes of Blake, Braltchee, Buleek, Carcool, Dickenson and Terra Walka, and for water supply for Stock and Domestic purposes to the occupiers of Lot 4255, DP 766943, Parish of Briery, Lot 2193, DP 764175, Lot 2192, DP 764174, Lot 2184, DP 764166, Lot 2186, DP 764168, Lot 2187, DP 764169 and Lot 2185, DP 764167, Parish of Belbrook, Lot 6103, DP 768959, Lot 2183, DP 764165 and Lot 6555, DP 769359, Parish of Collywarry, Lot 2179, DP 764161, Lot 2180, DP 764162, Lot 2181, DP 764163 and Lot 3269, DP 765494, Parish of Terra Walka, Lot 2194, DP 764176, Parish of Quantambone, Lot 2190, DP 764172, Parish of Woolnorth, Lot 2177, DP 764159, Lot 2178, DP 764160 and Lot 2445, DP 764408, Parish of Morella, Lot 3484, DP 765773, Parishes of Braltchee and Terra Walka, Lot 4256, DP 766944 and Lot 4018, DP 766491, Parishes Briery and Gillgi, Lot 2182, DP 764164, Parishes of Belbrook, Collywarry and Gillgi, Lot 3483, DP 765772, Parishes Braltchee, Morella and Terra Walka, Lot 15, DP 775541, Parishes of Blantyre, Narrandool, Quantambone and Woolnorth, Lot 2189, DP 764171, Parishes Belbrook and Woolnorth, Lot 2188, DP 764170, Parishes Belbrook, Morella and Woolnorth, Lot 2176, DP 764158, Parishes Morabilla and Morella, all in County of Narran (new license) (80BL243148)

Formal objections with grounds stating how your interests may be affected must be lodged by the 19th January 2006, as prescribed by the Act.

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6764 6809). GA2: 494473, 494474

TONY HALL,
Senior Natural Resource Officer (Resource Access)

Department of Natural Resources,
PO Box 550, Tamworth NSW 2340

WATER ACT 1912

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

Murrumbidgee Valley

Robert D Stevenson Management Pty Ltd and Keith J Stevenson Management Pty Ltd for a bore on Lot 3, DP 1088274, Parish of Uri, County of Boyd for industrial (sand/gravel washing) purposes. New license. The application is in accordance with policy and complies as a Lower Murrumbidgee Groundwater Zone embargo exemption. Reference: 40BL190729

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 18 January 2006 as prescribed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region

Department of Natural Resources,
PO Box 156, Leeton NSW 2705

WATER ACT 1912

Notice Under Section 166A

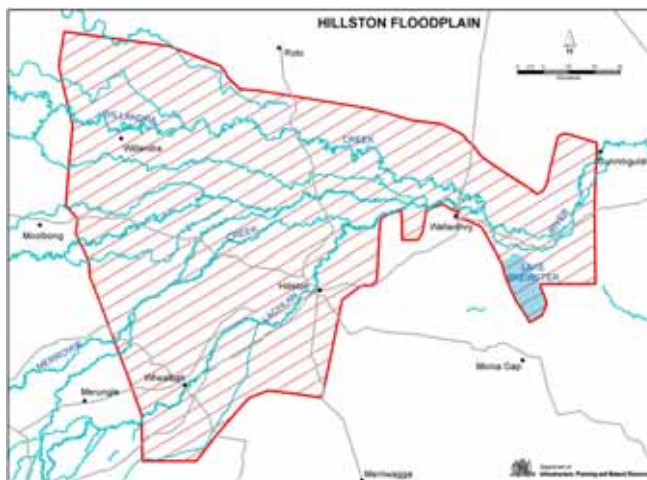
Adoption of Floodplain Management Plan

Lachlan River, Hillston Floodplain Management Plan,
Lake Brewster to Whealbah

PURSUANT to section 166A of the Water Act 1912, and having considered the matters set out in section 166C of the Act, the Water Administration Ministerial Corporation has adopted the Lachlan River, Hillston Floodplain Management Plan Lake Brewster to Whealbah as a floodplain management plan for the lands set out in the Schedule to this Notice.

SCHEDULE

That part of the Lachlan Valley Floodplain, being the area situated in New South Wales in the catchment of the Lachlan River, between Lake Brewster and Whealbah, including the Willandra Creek floodplain, shown hatched on the map hereunder.



Larger maps of the area and exclusions to which this notice relates are available for public inspection during office hours at the Department's Orange and Forbes offices.

WATER ACT 1912

Order under section 166 (1)

Designation of Floodplain– Hillston Floodplain

THE Water Administration Ministerial Corporation, by this Order pursuant to section 166 (1) of Part 8 of the Water Act 1912, designates the lands set out in the Schedule to this Notice as a floodplain which is to be known as the Hillston Floodplain.

Dated at Sydney this 10th day of October 2005

Dr RICHARD SHELDRAKE,
Director-General,
Department of Natural Resources
(by delegation)

SCHEDULE

Those parts of that area situated in New South Wales and:

- (a) being within or part of the Shires of Carrathool and Lachlan;
- (b) shown on the diagram hereunder; and
- (c) exclusive of all towns, villages and their environs.



Larger maps of the area and exclusions to which this Order relates are available for public inspection during office hours at the Department's Orange and Forbes offices.

Department of Planning



New South Wales

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

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 Planning. (9039900-1)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005*.

2 Aims of Policy

The aims of this Policy are:

- (a) to amend *State Environmental Planning Policy (Major Projects) 2005* so as:
 - (i) to declare certain development within the Luna Park site to be development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies by virtue of Schedule 3 to that Policy, and
 - (ii) to control development on part of the cliff top area of the Luna Park site, whether carried out pursuant to an approval under Part 3A of the *Environmental Planning and Assessment Act 1979* or pursuant to a development consent under Part 4 of that Act, and
- (b) to repeal *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*, and
- (c) to amend *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* as a consequence of the repeal referred to in paragraph (b).

3 Land to which Policy applies

This Policy applies generally to the State, and particularly to certain land (lots 1259 and 1260, Deposited Plan 48514) on the cliff top above Luna Park.

4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Clause 5

5 Repeal of State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries is repealed.

6 Amendment of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is amended by omitting clause 7 (2) and by inserting instead the following subclause:

- (2) In the event of an inconsistency between this plan and any other environmental planning instrument, whether made before or after this plan, this plan applies to the extent of the inconsistency.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 4)

[1] Clause 9A Development for which Minister consent authority under Part 4

Insert after clause 9A (2):

- (3) The provisions in Schedule 6 relating to the carrying out of development described in that Schedule have effect.

[2] Schedule 2 Part 3A projects—specific sites

Omit clause 10 (1) (h) of Schedule 2.

[3] Schedule 2, Map 10

Re-number Map 10—Schedule 2 as Map 2—Schedule 3 and transfer it to the end of Schedule 3.

[4] Schedule 3 State significant sites

Insert after Part 1:

Part 2 The Luna Park site

Division 1 Part 3A projects

1 Part 3A projects

Such development on land identified on Map 2 to this Schedule as has a capital investment value of more than \$5 million.

Division 2 Provisions relating to development on Luna Park site

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (*the cliff top sites*).
- (2) This clause applies to development that, pursuant to clause 1, is a project to which Part 3A of the Act applies.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

- (3) Development may be carried out on the cliff top sites for any purpose that is an authorised use under section 6C of the *Luna Park Site Act 1990* in relation to the cliff top area.
- (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
- (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
- (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
- (7) Any building erected on the cliff top sites must not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic.
- (8) Any building erected on the cliff top sites, and the process of erecting any such building, must not threaten or damage any heritage fig tree and, in particular, any land beneath the canopy of any heritage fig tree must not be used for any purpose in connection with the erection of any such building.
- (9) Appropriate arrangements must be made to give public access to the open spaces around any building on the cliff top sites.
- (10) *State Environmental Planning Policy No 1—Development Standards* does not apply to or in respect of the cliff top sites.
- (11) In this clause:

cliff top area has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.

heritage fig tree means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

[5] Schedule 6 Minister consent authority for Part 4 development

Insert before clause 1:

Part 1 Development for which Minister consent authority

[6] Schedule 6, clause 1

Omit clause 1 (h).

[7] Schedule 6, clause 1 (2)

Insert at the end of clause 1:

- (2) Development (with a capital investment value of not more than \$5 million) within the area identified on Map 2 to Schedule 3.

[8] Schedule 6, Part 2

Insert after clause 3:

Part 2 Additional provisions for the Luna Park site

1 Definition

In this Part, *Luna Park site* means the land described in Map 2 to Schedule 3.

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (*the cliff top sites*).
- (2) This clause applies to development that is not a project to which Part 3A of the Act applies.
- (3) Development may be carried out on the cliff top sites, but only with development consent, for any purpose that is an authorised use under section 6C of the *Luna Park Site Act 1990* in relation to the cliff top area.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

- (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
- (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
- (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
- (7) Development consent must not be granted to the erection of any building on the cliff top sites unless:
 - (a) the Minister is satisfied, after consultation with the Roads and Traffic Authority, that the building will not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic, and
 - (b) the Minister is satisfied, on the basis of information provided by the applicant for development consent, that neither the building, nor the process of its erection, will threaten or damage any heritage fig tree and, in particular, that land beneath the canopy of any heritage fig tree will not be used for any purpose in connection with the erection of the building, and
 - (c) the Minister is satisfied that appropriate arrangements will be made to give public access to the open spaces around the building.
- (8) Nothing in any local environmental plan or regional environmental plan applies to or in respect of the carrying out of development on the cliff top sites.
- (9) *State Environmental Planning Policy No 1—Development Standards* does not apply to or in respect of the cliff top sites.

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

- (10) In this clause:
- cliff top area*** has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.
- heritage fig tree*** means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.



New South Wales

State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)

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 Planning.

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)

State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)*.

2 Aims of Policy

The aim of this Policy is to restrict the form of seniors housing that is permitted on land adjoining land zoned primarily for urban purposes so that only hostels or residential care facilities will be permitted on that adjoining land.

3 Land to which Policy applies

This Policy applies to the State.

4 Amendment of State Environmental Planning Policy (Seniors Living) 2004

State Environmental Planning Policy (Seniors Living) 2004 is amended as set out in Schedule 1.

State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 17 What Chapter does

Omit “serviced self-care housing,” from clause 17 (b).

[2] Clause 19 Development on land adjoining land zoned primarily for urban purposes

Omit clause 19 (a).

[3] Clauses 74 (Serviced self-care housing) and 75 (Transport services to local centres)

Omit the clauses.

[4] Clause 83

Insert after clause 82:

83 Savings for development applications made before SEPP (Seniors Living) 2004 (Amendment No 1)

A development application made pursuant to Chapter 3 that was lodged with the consent authority (but not finally determined) before the commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)* is to be determined as if that Policy had not been made.



New South Wales

Gosford City Centre Local Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (C03/00090/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Gosford City Centre Local Environmental Plan 2005

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Gosford City Centre Local Environmental Plan 2005

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Clause 1 Gosford City Centre Local Environmental Plan 2005

Part 1 Preliminary

Gosford City Centre Local Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of plan

This plan is *Gosford City Centre Local Environmental Plan 2005*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to introduce contemporary design-based planning provisions for Gosford City Centre that promote a variety of land use opportunities, taking into account the waterfront and natural setting of Gosford, including views from key public places and to ridgelines,
- (b) to facilitate the revitalisation of Gosford City Centre by promoting redevelopment and urban sustainability,
- (c) to recognise and reinforce the regional significance of Gosford City Centre by providing a range of housing, employment and recreational opportunities that are consistent with the Centre's primary role as the commercial centre of the local government area,
- (d) to ensure that the development of Gosford City Centre occurs in a balanced manner having regard to environmental, social and economic factors,
- (e) to promote design excellence and environmental sustainability of the built form,
- (f) to identify items of environmental heritage and introduce a range of heritage provisions for Gosford City Centre,
- (g) to provide a secure planning framework for business investment and certainty of development outcomes,
- (h) to ensure the integration of transport and land use through improved accessibility and choice, moderating demand and distances travelled and supporting public transport.

Gosford City Centre Local Environmental Plan 2005

Clause 3

Preliminary

Part 1

3 Land to which plan applies

- (1) This plan applies to land shown edged black on the zoning map.
- (2) Land shown as “Deferred Matter” on the zoning map by a distinctive hatching is not subject to this plan (being land that is excluded from the operation of this plan under section 68 (5) or 70 (4) of the Act).

4 Relationship with other environmental planning instruments

- (1) *Gosford Planning Scheme Ordinance* does not apply to the land to which this plan applies.
- (2) The provisions of *State Environmental Planning Policy No 1—Development Standards* do not apply to building height limitations set by this plan for land to which this plan applies.

5 Amendment of Gosford Planning Scheme Ordinance

Gosford Planning Scheme Ordinance is amended by omitting clauses 49N, 49O, 49P, 49Q and 49R.

6 Consent authority

The consent authority for the purposes of this plan is (subject to the Act) the Council of the City of Gosford.

7 Definitions

The Dictionary at the end of this plan defines words and expressions for the purposes of this plan.

8 Adoption of Model Provisions

This plan adopts clauses 30, 31 and 35 of, and Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*.

9 Maps

In this plan, a reference to a map is a reference to a map deposited in the office of the Council.

Clause 10 Gosford City Centre Local Environmental Plan 2005

Part 2 Development objectives

Part 2 Development objectives

10 General development objectives

Development is to be consistent with the following development objectives:

- (a) to reinforce Gosford as the “capital” cultural/civic/service centre of the Central Coast,
- (b) to reinforce a sense of place and Gosford’s image within the landscape, ensuring that development complements Gosford City Centre’s natural setting of the waterfront and vegetated hillsides,
- (c) to ensure a vibrant, economically sustainable Gosford City Centre,
- (d) to connect Gosford City Centre with the waterfront and develop the waterfront as a safe and active people’s place,
- (e) to concentrate higher density development within easy walking distance of the railway station,
- (f) to ensure a coordinated and coherent built city form with high quality urban design and architectural merit,
- (g) to encourage the development of a “civic” precinct, containing major cultural and community facilities,
- (h) to promote view sharing within the city by keeping building heights lower at the waterfront and higher further up the valley,
- (i) to improve the quality, attractiveness and usefulness of open spaces within the city, including Kibble Park and the waterfront,
- (j) to promote ecologically sustainable development and best practice environmental principles in all development within the city,
- (k) to improve accessibility and mobility for all groups to and within Gosford City Centre,
- (l) to improve the physical connection between the hospital and Gosford City Centre,
- (m) to foster the development of social capital and to ensure a range of housing choice and affordability,
- (n) to integrate water management in the public domain with high quality urban design and improve the quality of stormwater discharge into Brisbane Water by implementing natural water filtration systems in the landscape.

Gosford City Centre Local Environmental Plan 2005

Clause 11

Zoning

Part 3

Part 3 Zoning

11 General

- (1) The zoning of land within Gosford City Centre is shown on the zoning map.
- (2) The objectives of each zone are set out in the clauses below. These clauses also specify development that does not require consent, development that requires consent, and prohibited development.
- (3) The consent authority must not grant consent for development of land within a zone unless it has taken into consideration the provisions of this plan, the objectives of the zone and the consistency of the development with those objectives.
- (4) The consent authority must not grant consent for development unless it has taken into consideration the character of the development site and of the surrounding locality (*character*, in this context, meaning the qualities that distinguish each locality and the individual properties within each locality).

12 City Centre Zone

- (1) The objectives of the City Centre Zone are:
 - (a) to encourage the development of business and administrative activities that contribute to economic growth and employment opportunities within Gosford City Centre and the wider region, and
 - (b) to encourage a wide range of retail, commercial, entertainment and community uses to facilitate the revitalisation of Gosford City Centre and its use by a wide range of residents, and
 - (c) to permit a diversity of uses which reinforce the multi-use character of Gosford City Centre, and
 - (d) to allow for increased residential and other ancillary development where it is unlikely to significantly prejudice the supply of retail and commercial floor space within Gosford City Centre.
- (2) The following development may be carried out within the City Centre Zone without development consent:
Exempt development
- (3) The following development may be carried out within the City Centre Zone only with development consent:
Demolition

Clause 12 Gosford City Centre Local Environmental Plan 2005
Part 3 Zoning

Development for the purposes of the following:

- advertisements
 - boarding houses
 - bulky goods salesrooms or showrooms
 - carparks
 - child care centres
 - clubs
 - commercial premises
 - communication facilities
 - community facilities
 - educational establishments
 - goods terminals
 - hardware and building supply outlets
 - home businesses
 - hospitals
 - hotels
 - medical centres
 - mixed use development
 - motels
 - motor showrooms
 - places of assembly
 - places of public worship
 - plant nurseries
 - reception rooms
 - recreation and sporting facilities
 - restaurants
 - roads
 - service stations
 - shop top housing
 - shops
 - utility installations
 - vehicle repair stations
 - warehouses
 - Subdivision (other than subdivision that is exempt development)
- (4) All other development is prohibited within the City Centre Zone.

Gosford City Centre Local Environmental Plan 2005

Clause 13

Zoning

Part 3

13 City Centre Support Zone

- (1) The objectives of the City Centre Support Zone are:
 - (a) to allow a range of uses that support the primary retail and commercial core functions of the City Centre Zone, and
 - (b) to allow residential development in close proximity to Gosford City Centre and transport interchanges, and
 - (c) to allow for a range of services and community facilities to serve the needs of residents of, and workers and visitors to, Gosford City Centre.
- (2) The following development may be carried out within the City Centre Support Zone without development consent:

Exempt development
- (3) The following development may be carried out within the City Centre Support Zone only with development consent:

Demolition

Development for the purposes of the following:

 - advertisements
 - boarding houses
 - carparks
 - child care centres
 - clubs
 - commercial premises
 - communication facilities
 - community facilities
 - educational establishments
 - hardware and building supply outlets
 - home businesses
 - hospitals
 - hotels
 - medical centres
 - mixed use development
 - motels
 - places of assembly
 - places of public worship
 - residential flat buildings
 - restaurants

Clause 14 Gosford City Centre Local Environmental Plan 2005

Part 3 Zoning

roads
utility installations
veterinary hospitals
Subdivision (other than subdivision that is exempt development)

- (4) All other development is prohibited within the City Centre Support Zone.

14 Health Precinct Residential Zone—deferred matter

15 City Centre Parks Zone

- (1) The objectives of the City Centre Parks Zone are:
- (a) to identify land for purposes of public open space to provide for the leisure and recreation of residents and visitors, and
 - (b) to facilitate the use of public land for a range of activities that promote community benefits and social capital, and
 - (c) to retain open space areas that are of regional or historic significance or both.
- (2) The following development may be carried out within the City Centre Parks Zone without development consent:
- Exempt development
- (3) The following development may be carried out within the City Centre Parks Zone only with development consent:
- Demolition
- Development for the purposes of the following:
- community facilities
 - places of assembly
 - reception rooms
 - recreation and sporting facilities
 - restaurants
 - roads
 - utility installations
 - Subdivision (other than subdivision that is exempt development)
- (4) All other development is prohibited within the City Centre Parks Zone.

Gosford City Centre Local Environmental Plan 2005

Clause 16

Zoning

Part 3

16 City Centre Special Use Zone

- (1) The objectives of the City Centre Special Use Zone are:
 - (a) to identify a range of public uses that are integral to the function of Gosford City Centre as the commercial and administrative centre of the region, and
 - (b) to protect public assets, and
 - (c) to facilitate the use of public areas and waterways.
- (2) The following development may be carried out within the City Centre Special Use Zone without development consent:
Exempt development
- (3) The following development may be carried out within the City Centre Special Use Zone only with development consent:
Demolition
Development for the purposes of the following:
community facilities
mooring pens
mooring piles
roads
the particular land uses indicated in writing on the zoning map in relation to the City Centre Special Use Zone
utility installations
- (4) All other development is prohibited within the City Centre Special Use Zone.

Clause 17 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

Part 4 Development provisions

Division 1 General

17 General requirements

- (1) The consent authority must not consent to development unless the consent authority has considered the extent to which the proposed development:
 - (a) provides for a high quality urban form, incorporating the need to preserve vistas to ridgelines and sharing of views, and adoption of best practice urban design principles for buildings and places, and
 - (b) incorporates the principles of ecological sustainability and minimises negative impacts on the natural, social, physical and cultural environment, and
 - (c) provides for buildings, structures and spaces that are compatible with the character, form, setting and scale of Gosford City Centre, whilst providing a high quality built environment that complements its natural setting, and
 - (d) provides for the integration of transport and land use, to reduce the need for car travel, maximise use of existing public transport, concentrate higher density development around transport interchanges and improve safety for cyclists and pedestrians, and
 - (e) provides for the protection, preservation and enhancement of all heritage resources to enhance the character and identity of Gosford City Centre, and
 - (f) shows that noise and vibration issues associated with the railway have been addressed.
- (2) The consent authority must not consent to development unless the consent authority is satisfied that the proposed development will not have any adverse effect on marine habitats, including seagrasses.

18 Building height limitations and requirements

- (1) The objectives of the building height limitations and requirements are:
 - (a) to ensure that development relates to the scale and character of the existing streets and local area, and
 - (b) to maintain views from Kibble Park to the ridges of the surrounding hills, and
 - (c) to enable view sharing to and from Gosford City Centre, and
 - (d) to protect views of the surrounding ridgelines from the foreshore, and

Gosford City Centre Local Environmental Plan 2005

Clause 18

Development provisions

Part 4

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- (e) to facilitate mixed use developments, and
 - (f) to provide quality internal environments that optimise solar access and facilitate future adaptability of uses, and
 - (g) to minimise wind tunnelling effects.
- (2) **General height limitations**
- The consent authority must not grant consent for a building that exceeds the height shown on the Building Heights Map in relation to the relevant land.
- (3) Despite subclause (2), consent may be granted for a building that exceeds the specified height by what the consent authority considers to be a minor amount, but only if the consent authority is satisfied that the additional height is required to facilitate an architectural roof feature that:
- (a) comprises a decorative element on the uppermost portion of the building, and
 - (b) is an integral part of the design of the building in its context, and
 - (c) is not a structure for signage or advertising, and
 - (d) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (e) does not provide access for recreational purposes, and
 - (f) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and
 - (g) will have minimal overshadowing impact.
- (4) **Setback requirements for parts of buildings above 10.5 metres high**
- Any part of a building that is above 10.5 metres in height is to be set back at least 5 metres from any boundary that has frontage to a public right of way (such as a street or lane).
- (5) Any part of a non-residential building that is above 10.5 metres in height is to be set back at least 3 metres from any side boundary that does not have frontage to a public right of way.
- (6) Any part of a building located on the western side of Mann Street, between Donnison and Erina Streets, that is above 10.5 metres in height is to be set back at least 20 metres from the eastern boundary so as to ensure the maintenance of views to President's Hill and to ensure that there will be no overshadowing of William Street Mall greater than could occur on the commencement of this plan.

Clause 19 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

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- (7) Any part of a building located on the south-western corner of the intersection of Donnison Street and Dane Drive that is above 10.5 metres in height is to be set back at least 10 metres from the southern property boundary so as not to cause overshadowing to the adjoining bowling greens.
- (8) Any part of a building fronting Mortimer Lane that is above 10.5 metres in height is to be set back at least 17 metres from the eastern boundary so as to ensure the maintenance of solar access to Kibble Park.

19 Floor space ratios

- (1) The objectives of floor space ratios are:
- (a) to define allowable densities for permissible buildings within Gosford City Centre, and
 - (b) to limit the bulk and scale of buildings to ensure a good urban design outcome, and
 - (c) to ensure that development is in keeping with the site and locality.

(2) **City Centre Zone**

A building within the City Centre Zone with a height not exceeding that shown in Column 1 of the Table to this subclause is not to have a floor space ratio exceeding that shown in the corresponding row in Column 2 of that Table.

Table

Column 1	Column 2
Height (m)	FSR
7.5	2.0:1
10.5	2.5:1
14	2.75:1
17.5	3.0:1
21	3.5:1
24	4.0:1
30	4.75:1

Gosford City Centre Local Environmental Plan 2005

Clause 20

Development provisions

Part 4

(3) City Centre Support Zone

A building within the City Centre Support Zone with a height not exceeding that shown in Column 1 of the Table to this subclause is not to have a floor space ratio exceeding that shown in the corresponding row in Column 2 of that Table.

Table

Column 1	Column 2
Height (m)	FSR
14	2.0:1
17.5	2.5:1
21	3.0:1
24	3.5:1

- (4) Despite subclauses (2) and (3), a site having an area of less than 900 square metres is not to have a floor space ratio greater than 3.0:1.
- (5) Basement levels, including carparking, that are not located wholly underground are to be counted as floor space for the purposes of calculating floor space ratios.

20 Building setback requirements

- (1) This clause is subject to clause 18 (4)–(8).
- (2) The objectives of the building setback requirements are:
- to create desirable street proportions and to define the street edge, and
 - to achieve well-scaled city form, and
 - to provide consistent streetscapes in Gosford City Centre, and
 - to maintain high environmental amenity for residential and commercial functions, and
 - to allow for street tree planting, and
 - to provide for activity along the street frontage.
- (3) **General building setbacks**
- All buildings are to comply with the building setbacks shown on the Building Setbacks Map in relation to the relevant land.
- (4) Active street frontages at ground level are to be maintained in respect of land shown on the Building Setbacks Map as having nil setback.

Clause 21 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

- (5) A 5 metre minimum landscaping setback at ground level is required in respect of land shown on the Building Setbacks Map as having a landscape setback requirement.
- (6) **Specific building setbacks**
The building setbacks of Brisbane Water County Council building and Gosford City Council Administration Building existing on the commencement of this plan are to be maintained so as to reinforce a civic precinct.
- (7) A 2 metre building setback to the street is required on the eastern side of Baker Street from the Baker Street Car Park to Georgiana Terrace as shown on the Building Setbacks Map. Underground basements may be allowed to the boundary.
- (8) **Buildings on sites without building setbacks**
Development of any land not shown as having a building setback on the Building Setbacks Map must be consistent, in terms of setbacks, with the existing predominant street building alignment and set any buildings back appropriately on a site-by-site basis.
- (9) In particular, buildings are not to be set at angles to the predominant street.

21 Site width at the front of building requirements

- (1) The objectives of the site width at the front of building requirements are:
- (a) to ensure that there is sufficient flexibility for building design, and
 - (b) to ensure that adequate separation can be achieved between residential buildings.
- (2) The minimum site width at the front of any building exceeding 10.5 metres in height is 20 metres.
- (3) The maximum horizontal dimension of a building facade that is parallel to the street front is, at any point above 10.5 metres in height, 40 metres.

22 Other building design matters

Consent must not be granted to the carrying out of any development unless the consent authority has had regard to whether the proposed development:

- (a) is scaled to support the character of the locality, with appropriate massing and spaces between buildings, and, in particular, whether the bulk of the proposed development is at a scale that is compatible with its existing topographical setting, and

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Clause 23

Development provisions

Part 4

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- (b) will provide visual and acoustic privacy in residential developments, and
 - (c) will provide for dual aspect apartments, and
 - (d) will provide adequate amenity for residents in terms of sun access and natural ventilation, and
 - (e) will limit overshadowing of adjacent properties and private or shared open space, and
 - (f) will allow for the provision of open space with appropriate size and proportion for recreational activities for the occupants of the buildings, and
 - (g) will provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow, and
 - (h) will provide opportunities for a high standard of amenity in non-residential buildings, and opportunities for energy-efficient buildings, and
 - (i) will generally improve the internal amenity of buildings and contribute to flexibility of use.

23 Building use requirements

- (1) The objectives of the building use requirements are:
 - (a) to encourage a variety of mixed use developments in the core centre, and
 - (b) to promote urbanity, lively streets and public spaces, and
 - (c) to increase the diversity and range of shopping and recreational activities for workers, residents and visitors, and
 - (d) to enhance public safety by increasing activity in the public domain on weeknights and at weekends, and
 - (e) to ensure that design of mixed use developments maintains residential amenity, and
 - (f) to reinforce Gosford City Centre by locating active commercial and retail activities within the core area, and
 - (g) to ensure that buildings in the Primary and Secondary Retail Cores are designed and built to facilitate a range of uses.
- (2) The ground floor fronts of buildings that have frontages to the areas identified as Primary Retail Core on the Building Uses Map are to be used for retail or for shops or other active commercial uses.

Clause 24 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

- (3) The first floor fronts of buildings that have frontages to the areas identified as Primary Retail Core on the Building Uses Map are to be used for retail or active commercial uses (or both).
- (4) The ground floor fronts of buildings that have frontages to the areas identified as Secondary Retail Core on the Building Uses Map are to be used for retail or active commercial uses (or both).

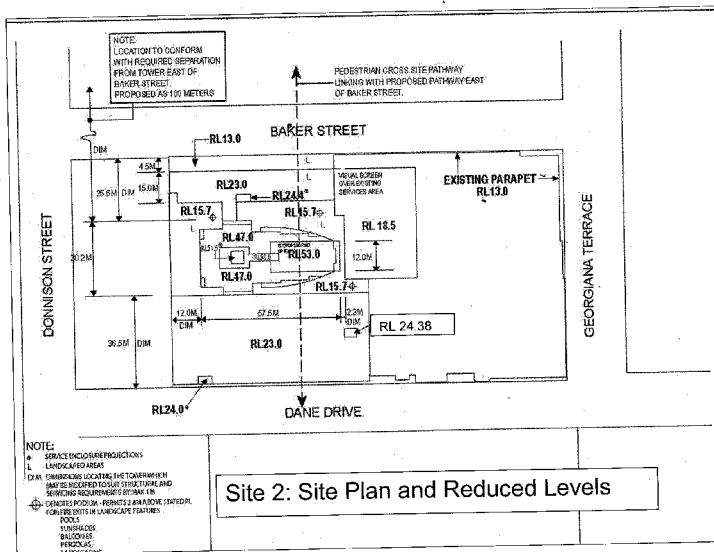
Division 2 Special development areas

24 Provisions relating to Site 1 (Spurbest) and Site 2 (Leagues Club Hotel)

- (1) This clause applies to the lands identified as Site 1 and Site 2 on the Special Development Areas Map.
- (2) Development on Site 1 and Site 2 is required:
 - (a) to allow the two hills either side of Gosford to remain dominant features of the landscape, and
 - (b) to have low visual impact from the waterfront, and
 - (c) to improve pedestrian amenity along Baker Street by allowing a green landscape to flow from the waterfront, and
 - (d) to increase pedestrian accessibility through streets, and
 - (e) to re-adapt and re-use the Brisbane Water County Council Building, and
 - (f) to ensure an active street.
- (3) In particular:
 - (a) the tower buildings to be erected on Site 1 and Site 2 must be located a minimum of 100 metres apart, and
 - (b) each of those tower buildings:
 - (i) must have its narrowest edge facing the waterfront, and
 - (ii) must not exceed RL 53, and
 - (iii) must have a maximum 12 metre frontage to the south, and
 - (iv) must have an eco-top.

Clause 24 Gosford City Centre Local Environmental Plan 2005
 Part 4 Development provisions

(6) Development on Site 2 must be in accordance with the Site Plan and Reduced Level Diagram relating to Site 2 shown immediately after this subclause.



Gosford City Centre Local Environmental Plan 2005

Clause 25

Heritage provisions

Part 5

Part 5 Heritage provisions

25 Aims

The aims of this plan in relation to heritage as follows:

- (a) to conserve the heritage of Gosford City Centre,
- (b) to integrate heritage conservation into the planning and development control processes,
- (c) to provide for public involvement in heritage conservation,
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items,
- (e) to provide greater certainty in the management of the heritage of Gosford City Centre,
- (f) to encourage high quality design and the continued use or adaptive re-use of heritage items,
- (g) to ensure that archaeological sites and places of aboriginal heritage significance are conserved.

26 Consent required for certain development

- (1) The following development may be carried out only with development consent:
 - (a) demolishing a heritage item,
 - (b) moving a heritage item or part of a heritage item,
 - (c) altering a heritage item by making structural or non-structural changes to the exterior or interior, such as to its detail, fabric, finish or appearance,
 - (d) erecting a sign or advertising structure on a heritage item,
 - (e) erecting a building on the site of a heritage item,
 - (f) subdividing the site of a heritage item,
 - (g) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.
- (2) However, consent under this clause is not required if the person proposing to carry out the development has notified the consent authority of the proposed development and the consent authority has advised the person in writing before any work is carried out that it is satisfied that:
 - (a) the proposed development:

Clause 27 Gosford City Centre Local Environmental Plan 2005

Part 5 Heritage provisions

- (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
- (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the proposed development is required as a matter of urgency to ensure public safety, or
- (c) if the proposed development involves a heritage item listed in Category 2 in Schedule 1—the proposed development is consistent with a plan of management.

27 Consent authority must have regard to heritage conservation

- (1) Before granting a consent required by this Part, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (2) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan if it considers the development proposed should be assessed with regard to such a plan.
- (3) The essential issues that must be addressed by the heritage impact statement are:
 - (a) the heritage significance of the item as part of the environmental heritage of Gosford, and
 - (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, and
 - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (d) the compatibility of any proposed development with buildings in the streetscape, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (e) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (f) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and

Gosford City Centre Local Environmental Plan 2005

Clause 28

Heritage provisions

Part 5

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- (g) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

28 Floor space ratio for sites of Category 1 heritage items

- (1) Despite clause 19, the maximum floor space ratio for a building on the site of a heritage item listed in Category 1 in Schedule 1 is the floor space ratio of the buildings on the site on the commencement of this plan, except as otherwise provided by this clause.
- (2) The consent authority (after considering the matters specified in clause 27) may consent to development that will not materially affect a heritage item listed in Category 1 in Schedule 1, but that will result in the maximum floor space ratio set by this clause for the site being exceeded, but only if:
 - (a) the proposed development involves mainly internal building work or minor additions, or
 - (b) the proposed development is on part of the site not occupied by any building of heritage significance.
- (3) The consent authority (after considering the matters specified in clause 27) may consent to development that will materially affect a heritage item listed in Category 1 in Schedule 1 and that will result in the maximum floor space ratio set by this clause for the site being exceeded.
- (4) However, subclauses (2) and (3) do not apply so as to allow consent to be granted for development of land that consists of or includes the site of a heritage item listed in Category 1 in Schedule 1 that will result in the maximum floor space ratio specified for the land in clause 19 being exceeded.
- (5) For the purposes of this clause, development on land that comprises or includes the site of a heritage item listed in Category 1 in Schedule 1 *materially affects* the item only if:
 - (a) it will reduce or increase the building envelope occupied by the item, or
 - (b) it will be carried out within the airspace above the building envelope occupied by the item, or
 - (c) it will involve the demolition of any heritage item listed in Category 1 in Schedule 1.
- (6) However, development does not materially affect a heritage item if, in the opinion of the consent authority, the proposed development will not adversely affect the heritage significance of the heritage item concerned.

Clause 29 Gosford City Centre Local Environmental Plan 2005

Part 5 Heritage provisions

29 Height and setback in relation to Category 1 heritage buildings

Any development of a building that is a heritage item listed in Category 1 in Schedule 1:

- (a) must retain the existing height of the building as the building height to the street frontage, and
- (b) must retain the existing building setback from the street frontage.

30 Development within the vicinity of a heritage item

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

31 Development of known or potential archaeological sites

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site or the site of a relic that has non-Aboriginal heritage significance (whether or not it is 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.

Gosford City Centre Local Environmental Plan 2005

Clause 32

Heritage provisions

Part 5

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- (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) involves anything that is listed in the State Heritage Register under the *Heritage Act 1977* or is the subject of an interim heritage order under that Act.

32 Development affecting places or sites of known Aboriginal heritage significance

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

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

33 Notice to the Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

34 Conservation incentives

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

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

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Part 5 Heritage provisions

- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

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Clause 35

Miscellaneous

Part 6

Part 6 Miscellaneous

35 Temporary use of public land

- (1) Despite any other provision of this plan, a person may, without the consent of the consent authority, carry out development on public land to which this plan applies for the purpose of a market, show, circus or auction, or for a community purpose (such as an event organised by Scouts Australia, a Lions Club, a Rotary Club or a similar body), for a maximum of 24 days (whether consecutive or not) in any calendar year.
- (2) A person must not carry out development referred to in subclause (1) unless the person has given the consent authority a notice of the person's intention to carry out the development and at least 28 days have elapsed since the notice was given. The development must not be carried out later than 12 months after the date on which the notice is given.
- (3) Any temporary use of public land must be consistent with a plan of management.
- (4) In this clause, *public land* means land vested in (or held by trustees on behalf of) the Crown, a Minister of the Crown, a statutory body, or the Council.

36 Classification and reclassification of public land

- (1) The objective of this clause is to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 to the *Local Government Act 1993*.
- (2) The public land described in Part 1 or Part 2 of Schedule 2 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 2 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) Public land described in Part 1 of Schedule 2:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

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Part 6	Miscellaneous

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- (5) Public land described in Part 2 of Schedule 2, to the extent (if any) that it is a public reserve ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 2, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant amending plan**, in relation to land described in Part 2 of Schedule 2, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 2, the Governor approved of subclause (5) applying to the land.

37 Exempt development

Development that is of minimal impact and is specified in Column 1 of Schedule 3 is **exempt development** if:

- (a) it is carried out in the circumstances set out in Column 2 of that Schedule opposite the development, and
- (b) it does not cause interference with the amenity of the neighbourhood 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
- (c) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (d) it does not contravene any condition of a development consent applying to the land, and
- (e) if the development involves the erection of a structure, the structure is constructed from new materials (unless otherwise specified in Schedule 3), and
- (f) it is carried out on land identified as bushfire-prone on the *Bushfire Prone Land Map*.

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Clause 38

Miscellaneous

Part 6

38 Complying development

- (1) Development listed in Column 1 of Schedule 4 is *complying development* if:
 - (a) it is development (other than State significant development) of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it meets the standards specified in Column 2 of that Schedule opposite the development, and
 - (c) it is not an existing use, as defined in section 106 of the Act, and
 - (d) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (e) it does not contravene any condition of a development consent applying to the land.
- (2) Development is not complying development if it is carried out:
 - (a) on land that is identified as:
 - (i) flood liable, or
 - (ii) subject to high bushfire hazard, on a map, or
 - (b) on land that is identified on a map as having acid sulphate soils if the development would disturb those soils, or
 - (c) on land that is identified in records held by the Council as being contaminated, or
 - (d) on land to which *State Environmental Planning Policy No 19—Bushland in Urban Areas* applies.
- (3) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in the *Gosford City Centre Development Control Plan* as in force at the date the certificate is issued.

39 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) Nothing in subclause (1) affects the rights or interests of any 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).

Clause 40 Gosford City Centre Local Environmental Plan 2005

Part 6 Miscellaneous

40 Preservation of trees

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees.
- (2) This clause applies to all the land to which this plan applies (other than land to which the *Native Vegetation Act 2003* applies).
- (3) This clause applies to trees of the species, kind or size prescribed for the purposes of this clause by a development control plan applying to the land to which this clause applies.
- (4) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree to which this clause applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (5) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (6) This clause does not apply to a tree that the Council is satisfied is dying or dead or has become dangerous.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree:
 - (a) that is or forms part of a heritage item, or
 - (b) that is situated on land in the vicinity of a heritage item.
- (8) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree is advertised development if:
 - (a) the tree is or forms part of a heritage item or is within a heritage conservation area, and
 - (b) in the opinion of the consent authority, the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of the tree will adversely affect that heritage significance of the heritage item or heritage conservation area.
- (9) This clause does not apply to or in respect of:
 - (a) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - (b) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Gosford City Centre Local Environmental Plan 2005

Clause 41

Miscellaneous

Part 6

41 Public infrastructure works

Nothing in the plan prohibits, restricts or requires development consent for works undertaken by a public authority or its agent:

- (a) required in connection with the Gosford Regional Sewerage Scheme, or
- (b) required for drainage improvement works, water sensitive urban design improvements or water quality works, or
- (c) required for the carrying out of coastal hazard protection works.

42 Savings

- (1) Deemed environmental planning instruments as in force immediately before the commencement of this plan continue to apply to a development application that was made before the public exhibition of the draft for this plan but had not been finally determined before the commencement of this plan.
- (2) This clause does not apply to development applications associated with Site 1 (Spurbest) or Site 2 (Leagues Club Hotel) referred to in clause 24 and shown as Site 1 and Site 2 on the Special Development Areas Map.

Gosford City Centre Local Environmental Plan 2005

Schedule 1 Heritage items

Schedule 1 Heritage items

(Clauses 26, 28, 29, 33 and Dictionary)

Part 1 Preliminary

In this Schedule:

R1 means the *Gosford Heritage Review Study Stage 1*—Graham Brooks and Associates, February 1998*R2* means the *Gosford Heritage Review Stage 2*—Suters Architects, September 2001*R3* means the *Heritage Survey—Draft LEP Gosford City Centre*—Suters Architects, January 2004**Part 2 Heritage items****Category 1 Buildings, Building Elements and Sites (shown on the Buildings, Building Elements and Sites Map)**

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
1	R1/59	3 Mann Street, Gosford	The Rectory	Local
2	R1/171	3 Mann Street, Gosford	Old Christ Church Anglican Church	State
3	R1/53	23 Mann Street, Gosford	Part of Gosford South Post Office	Local
4	R1/56	Cnr Georgiana Terrace and Mann Street (37 Mann Street), Gosford	Former School of Arts	Local
5	R2/57	37 Mann Street, Gosford	Creighton's Funeral Parlour	Local
6	R1/51	121 Henry Parry Drive, Gosford	Former Gosford Public School and Residence—TAFE Building E	Local
7	R1/49	Cnr Mann Street and Georgiana Terrace, Gosford	Conservatorium of Music (former Courthouse and Police Station)	Local
8	R2/56	50 Mann Street, Gosford	Former Brisbane Water County Council	Local
9	R1/55	108 Donnison Street, Gosford	Union Hotel	Local
10	R1/60	102 Erina Street East, Cnr Mann Street, Gosford	The Hotel Gosford	Local

Gosford City Centre Local Environmental Plan 2005

Heritage items

Schedule 1

Category 2 Archaeological/Townscape/Landscape Items (shown on the Archaeological/Townscape/Landscape Items Map)

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
1	R3/14	Along Alfred Higgs Place & Dane Drive, Gosford	Avenue & Feature Trees—Grahame Park	Local
2	R3/15	Gertrude Place, Cnr of Broadview Avenue, Gosford	Stone Street Wall	Local
3	R2/77	Park & Memorials	Gosford City Council Memorial Park	Local
4	R3/17	South end Mann Street & Vaughan Avenue, Gosford	Avenue & Feature Trees—Memorial Park	Local
5	R3/18	Gertrude Place to Mann Street, Cnr of Mann Street, Gosford	Stone Street and Driveway Wall	Local
6	R3/34	Carpark behind Mann Street, access off Henry Parry Drive, south of Donnison Street, Gosford	Feature Tree—Fig	Local
7	R2/66	Mann Street, adjacent to the railway station, Burns Crescent, Gosford	Burns Place	Local
8	R3/41	Mann Street, adjacent to the railway station, Burns Crescent, Gosford	Feature eucalypt and stands of mature trees—Burns Place	Local
9	SRA Register s170	Gosford Railway Station/Showground Road, Gosford	Signal Box and Water column and tank, Large faced clock with wooden frame	State
10	SRA Register s170	Gosford Railway Station	Railway Bridge/Viaduct	State
11	R3/	Gosford Railway Station/Showground Road, Gosford	Railway Turntable	Local
12	R3/10	Gosford City Park, opposite York Street, Gosford	War Memorial Site—Gosford Olympic Swimming pool	Local

Gosford City Centre Local Environmental Plan 2005

Schedule 1 Heritage items

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
13	R3/11	Off Vaughan Ave, below Memorial Park, Gosford	The Rotary Clubs Fountain & Garden—original wharf location	Local
14	R1/52	Off Dane Drive, Gosford	Site of Gosford Wharf	Local
15	R3/13	Between Fagans Bay and Broadwater, Brisbane Water, Gosford	Railway Bridge	Local

Category 3 Items/Buildings of Heritage Interest (shown on the Items/Buildings of Heritage Interest Map)

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
1	R3/26	49 Mann Street, Gosford	Gosford City Council Administration Building	Local
2	R3/38	150 Mann Street, Gosford	Gosford First National Real Estate—Building Facade	Local
3	R3/50	307 Mann Street, Cnr Beane Street	Mitre 10	Local

Gosford City Centre Local Environmental Plan 2005

Classification and reclassification of public land

Schedule 2

Schedule 2 Classification and reclassification of public land

(Clause 36)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Schedule 3 Exempt development

(Clause 37)

Column 1	Column 2
Type of development	Circumstances for exemption
1 Erection and use of a business identification sign listed below	
Business signs	
(a) Suspended under awning sign	<p>Maximum size</p> <ul style="list-style-type: none"> not exceeding 1.5 m² in area <p>Siting</p> <ul style="list-style-type: none"> if over a public road, erected at a minimum height of 3 m above ground level <p>Structure</p> <ul style="list-style-type: none"> one per premises securely fixed by metal supports <p>Heritage</p> <ul style="list-style-type: none"> not erected on an item of environmental heritage
(b) Vertical or horizontal projecting wall signs	<p>Maximum size</p> <ul style="list-style-type: none"> not exceeding 2.5 m² in area <p>Siting</p> <ul style="list-style-type: none"> if over a public road, erected at a minimum height of 3 m above ground level <p>Structure</p> <ul style="list-style-type: none"> securely fixed <p>Heritage</p> <ul style="list-style-type: none"> not erected on an item of environmental heritage
(c) Flush wall signs	<p>Maximum size</p> <ul style="list-style-type: none"> not exceeding 2.5 m² in area <p>Siting</p> <ul style="list-style-type: none"> if over a public road, erected at a minimum height of 3 m above ground level <p>Structure</p> <ul style="list-style-type: none"> one per premises <p>Heritage</p> <ul style="list-style-type: none"> not erected on an item of environmental heritage

Gosford City Centre Local Environmental Plan 2005

Exempt development

Schedule 3

Column 1	Column 2
Type of development	Circumstances for exemption
2 Ancillary development	
(a) Air conditioning units	<p>Siting</p> <ul style="list-style-type: none"> attached to external walls or ground mounted involving fully integrated systems all mechanical components and their enclosures located a minimum of 6.0 m from any property boundary and behind building line to any street frontage
(b) Barbecues	<p>Maximum size</p> <ul style="list-style-type: none"> 2 m² <p>Maximum height</p> <ul style="list-style-type: none"> 1.8 m <p>Siting</p> <ul style="list-style-type: none"> not located within 3 m of a window or other ventilation opening on adjoining premises located behind the building line and not in a prominent location <p>Structure</p> <ul style="list-style-type: none"> one per dwelling for domestic use only located at ground level only
(c) Children's play equipment (other than cubby houses)	<p>Maximum height</p> <ul style="list-style-type: none"> 2.4 m (3.5 m for basketball backboard and poles) <p>Siting</p> <ul style="list-style-type: none"> located behind building line to any street frontage located at least 900 mm from any property boundary
(d) Domestic apparatus (including TV aerials, retractable clothes lines and flues)	<p>General</p> <ul style="list-style-type: none"> must be structurally stable, with adequate footings all apparatus to be installed in accordance with the manufacturer's instructions

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Column 1	Column 2
Type of development	Circumstances for exemption
(e) Driveways within property boundary (single dwelling)	<p>Standards</p> <ul style="list-style-type: none"> • 1 aerial per building • maximum height of aerial 6 m above roof • width of aerial 1.5 m maximum • retractable clothes lines to be located to the rear of Class 1 dwelling (within the meaning of the <i>Building Code of Australia</i>), and at ground level • retractable clothes lines to be screened from view from public places <p>Maximum size</p> <ul style="list-style-type: none"> • maximum width of 3.5 m <p>Siting</p> <ul style="list-style-type: none"> • located at or near ground level so as not to require retaining or filling to depths greater than 600 mm <p>Structure</p> <ul style="list-style-type: none"> • complies with the requirements of Australian Standard AS 2890.1—1993, <i>Parking facilities—Off-street car parking</i> • complies with BASIX <p>Drainage</p> <ul style="list-style-type: none"> • incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets • does not affect the overland flowpath of surface water so as to adversely affect adjoining properties <p>Tree protection</p> <ul style="list-style-type: none"> • driveways located within 3 m of existing trees are constructed of loose paver to allow minor ground movement due to root system
(f) Fences—front (for single dwellings)	<p>Maximum height</p> <ul style="list-style-type: none"> • open style (eg picket, pool fencing): 1.2 m • solid (eg decorative brick, timber): 1 m <p>Siting</p> <ul style="list-style-type: none"> • in front of the building line • gates do not obstruct pedestrian access along a public roadway

Gosford City Centre Local Environmental Plan 2005

Exempt development

Schedule 3

Column 1	Column 2
Type of development	Circumstances for exemption
(g) Fences—side and rear	<p>Structure</p> <ul style="list-style-type: none"> • of materials compatible with streetscape • not made of solid metal materials • no fences with high flammability on land shown as high bushfire hazard on a map held by the Council <p>Tree protection</p> <ul style="list-style-type: none"> • no strip footing construction where a tree is located within 3 m on either private or public property <p>Maximum size</p> <ul style="list-style-type: none"> • maximum height 1.8 m <p>Siting</p> <ul style="list-style-type: none"> • not where fence will impede floodways or overland flow paths • behind front boundary line • does not interfere with traffic visibility at intersections <p>Tree protection</p> <ul style="list-style-type: none"> • no strip footing construction where a tree is located within 3 m on either private or public property <p>Privacy screens</p> <ul style="list-style-type: none"> • open style privacy screens (eg lattice) with a maximum length of 3 m and a maximum height above the fence of 450 mm and not attached to the fence structure
(h) Flagpoles	<p>Maximum size</p> <ul style="list-style-type: none"> • maximum height of 6 m above existing ground level <p>Siting</p> <ul style="list-style-type: none"> • located at least 1 m from any boundary <p>Structure</p> <ul style="list-style-type: none"> • one only for any single allotment of land • structurally adequate
(i) Lighting	<p>General</p> <ul style="list-style-type: none"> • not for a tennis court or playing field • directed so as to not cause a nuisance to adjoining properties

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Column 1 Type of development	Column 2 Circumstances for exemption
(j) Rainwater tanks	<p>Maximum size</p> <ul style="list-style-type: none"> • maximum volume of 4,500 L <p>Specifications</p> <ul style="list-style-type: none"> • complies with AS/NZS 2179.1—1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—selection and installation</i> • maximum height of 1.8 m above ground level <p>Siting</p> <ul style="list-style-type: none"> • located at least 900 mm from any property boundary • located behind building line to any street frontage • not located over stormwater or sewer pipes • not resting on the edge of wall footings • integrated with existing building design • suitably screened <p>Drainage</p> <ul style="list-style-type: none"> • provision made to prevent overflow running onto adjoining properties <p>Structure</p> <ul style="list-style-type: none"> • support structure to manufacturer's specifications or requirements of a qualified practising structural engineer • all openings are sealed or protected to prevent ingress of animals and insects <p>Water connection</p> <ul style="list-style-type: none"> • no connection or cross-connection between the reticulated town water supply and tank water

Gosford City Centre Local Environmental Plan 2005

Exempt development

Schedule 3

Column 1	Column 2
Type of development	Circumstances for exemption
(k) Satellite dishes	<p>Maximum size</p> <ul style="list-style-type: none"> • 1.2 m in diameter <p>Siting</p> <ul style="list-style-type: none"> • maximum height 1.5 m above lowest point of roof • behind building line and located no closer than 900 mm to side boundaries • no detrimental effect on adjoining properties • for domestic purposes only
(l) Skylights (including solar tubes or similar installations)	<p>Maximum area</p> <ul style="list-style-type: none"> • maximum area of skylight does not exceed 1 m² <p>Siting</p> <ul style="list-style-type: none"> • location not less than 900 mm from a property boundary and not less than 900 mm from a wall separating attached dwellings <p>Structure</p> <ul style="list-style-type: none"> • building work will not reduce the structural integrity of the building or involve structural alterations • any openings created by the installation are adequately weatherproofed
(m) Solar water heaters	<p>Installation</p> <ul style="list-style-type: none"> • installed to manufacturer's specifications and requirements • installed by the holder of a relevant licence and in accordance with the provisions of the relevant standards of Standards Australia • solar panels must be flush with roof <p>Structure</p> <ul style="list-style-type: none"> • does not reduce the structural integrity of the building • any opening is sealed by the use of adequate weatherproofing

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Column 1	Column 2
Type of development	Circumstances for exemption
(n) Temporary buildings (builders shed, portaloos, scaffold)	<p>Siting</p> <ul style="list-style-type: none"> located within property boundaries <p>Structure</p> <ul style="list-style-type: none"> structurally adequate on site for a period of no more than 5 months within any 12 month period <p>Drainage</p> <ul style="list-style-type: none"> stormwater not directed to adjoining properties
(o) Water heaters	<p>Installation</p> <ul style="list-style-type: none"> carried out by the holder of a relevant licence
3 Minor internal alterations to, or replacement of, a part of a dwelling or residential unit or associated structure	
(a) Replacement, recladding or repair of existing roof to the dwelling, residential unit, car port or garage	<p>Structure</p> <ul style="list-style-type: none"> no change to roof line same type of materials as materials prior to the replacement, recladding or repair external materials of low reflectivity <p>Drainage</p> <ul style="list-style-type: none"> stormwater directed to an approved drainage system <p>Heritage</p> <ul style="list-style-type: none"> not on properties identified as an item of environmental heritage
(b) Replacement of, or repair to, existing walls to dwelling, residential units or garage	<p>Structure</p> <ul style="list-style-type: none"> no alteration to existing window or door openings <p>Materials</p> <ul style="list-style-type: none"> materials other than masonry external materials of low reflectivity <p>Heritage</p> <ul style="list-style-type: none"> not on properties identified as an item of environmental heritage

Gosford City Centre Local Environmental Plan 2005

Exempt development

Schedule 3

Column 1	Column 2
Type of development	Circumstances for exemption
(c) Other minor internal alterations to a dwelling, residential unit or associated structure	<p>Structure</p> <ul style="list-style-type: none"> • non-structural work only • alterations or renovations to previously completed buildings only • no reduced light or ventilation from windows • no reduced doorways for egress purposes • no enclosure of open areas
4 Minor internal alterations to a building or work not associated with a dwelling or residential unit	<p>Structure</p> <ul style="list-style-type: none"> • alteration involves only the internal fabric or the appearance of the building or work or alterations to the external fabric or appearance of the building or work (being changes that involve the repair or renovation of painting, plastering or other decoration of the building or work) • the alteration does not involve the enlargement or extension of the building • non-structural work only • no reduced light or ventilation from windows, no reduced doorways for egress purposes and no enclosure of open areas • alterations or renovations to previously completed buildings only • no change to roofline • no changes to configuration of rooms, whether by removal of existing walls or partitions or by other means • building before and after alterations complies with safety provisions of the <i>Building Code of Australia</i> <p>Materials</p> <ul style="list-style-type: none"> • materials other than masonry • external materials of low reflectivity <p>Heritage</p> <ul style="list-style-type: none"> • not on properties identified as items of environmental heritage <p>Drainage</p> <ul style="list-style-type: none"> • stormwater directed to an approved drainage system

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Column 1	Column 2
Type of development	Circumstances for exemption
5 Home occupations	
6 Christmas and other decorations located outdoors	<ul style="list-style-type: none"> for the Christmas period, limited to an 8 week period which may commence from 15 November in the relevant year (or first Monday after that date) for any other festival or event, period is not to exceed 4 weeks does not involve decorations that have an adverse effect on the structural adequacy of a building or fire safety intensity and intervals of flashing, and hours of illumination, must not adversely affect the amenity of the area
7 Facade repairs (such as painting, repairs, plastering, cement rendering, cladding, attached fittings and decorative work)	<ul style="list-style-type: none"> repairs are non-structural no change to the external appearance of the building, including colours, material, finishes or glazing (except for Class 1 dwellings (within the meaning of the <i>Building Code of Australia</i>)) there are no new fittings or attachments to the building
8 Demolition (other than a heritage item or demolition requiring a Waste Management Plan under Gosford City Centre Development Control Plan)	<ul style="list-style-type: none"> demolition is carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of Structures</i>
9 Navigational aids	<ul style="list-style-type: none"> only with the approval of the Waterways Authority
10 Subdivision of minor environmental significance	<p>Subdivision for one of the following purposes only:</p> <ul style="list-style-type: none"> widening a public road making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment making an adjustment to a boundary between allotments, being an adjustment that does not involve allotments with a split land use zone classification or flood liable classification or bushfire hazard classification or requiring geotechnical assessment. making an adjustment to a boundary between allotments that does not constitute a resubdivision

Gosford City Centre Local Environmental Plan 2005

Exempt development

Schedule 3

Column 1	Column 2
Type of development	Circumstances for exemption
<p>11 Development for the purpose of recreation sporting facility of minor environmental significance</p>	<ul style="list-style-type: none"> • a minor adjustment that does not significantly change the size or shape of the allotments by more than 10% • rectifying an encroachment upon an allotment • creating a public reserve • consolidating allotments • excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, the purposes of a rural fire brigade or other rescue service, or for public conveniences • in accordance with a plan of management prepared by the Council
<p>12 Carrying out of minor public works in public areas being the erection and use of a structure listed below</p>	<p>Standard</p> <ul style="list-style-type: none"> • constructed by or for the Council and designed, fabricated and installed in accordance with the relevant standards of Standards Australia • in accordance with a plan of management prepared by Council <p>Maximum size</p> <ul style="list-style-type: none"> • maximum height 1 m • maximum grade of ramp 1:14 <p>Standard</p> <ul style="list-style-type: none"> • in accordance with the <i>Building Code of Australia</i> and AS 1428.1 2001 <p>Structure</p> <ul style="list-style-type: none"> • bridges to maximum span of 5 m and constructed by or for the Council • design, fabrication and installation to be in accordance with AS 4100–1998 (for steel structures) and AS 1720 1–1997, AS 1720 2–1990 and AS 1720 4–1990 (for timber structures)
(a) Equipment in a recreation area (including children's play equipment)	
(b) Access ramps	
(c) Bridges and staircases installed in public parks and recreation areas	

Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

Column 1	Column 2
Type of development	Circumstances for exemption
(d) Goal posts, sight screens and similar ancillary sporting structures on sporting or playing fields for the use in playing or performance of sporting events (excluding grandstands, dressing sheds and other such structures)	Standard <ul style="list-style-type: none"> • construction by or for the Council or sporting organisation and installed in accordance with relevant standards of Standards Australia
(e) Parks and street furniture including seats, bins, picnic tables and small shelters	Standard <ul style="list-style-type: none"> • construction by or for the Council and installed in accordance with relevant standards of Standards Australia
13 Moorings	Standard <ul style="list-style-type: none"> • will not lead to instability of the bed or banks of the waterway • will not alter the existing tidal regime of the waterway • will not be placed in contravention of <i>Fisheries Habitat Protection Plan No 2</i> based on seagrass mapping provided by the former NSW Fisheries and available for inspection at the office of the Council • will not compromise plans made under the <i>Threatened Species Conservation Act 1995</i> • will not contravene <i>State Environmental Planning Policy No 14—Coastal Wetlands</i> • will not threaten items of environmental heritage, either indigenous or non-indigenous • will not create the need to construct a new road or dinghy storage facility specifically to provide access between the shore and the mooring

Gosford City Centre Local Environmental Plan 2005

Complying development

Schedule 4

Schedule 4 Complying development

(Clause 38)

Type of Development	Standards
1 Advertising signs	
(a) Illuminated and non-illuminated under-awning signs	<ul style="list-style-type: none"> • must not be more than one sign per shop/premises with street frontage, and a minimum 3 m separation between each sign • must not be larger than 0.3 m high by 2.5 m long • there must be a minimum vertical clearance height of 2.7 m above the footpath level • must not be closer than 1 m to the kerb alignment • must not extend beyond the awning • must be supported by the awning and not from the elevation of the building • must relate to the approved use of the shop/premises • must not display offensive material • must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises • must display the English translation of any wording of another language • must be self-illuminated so that all conduit or cabling supplying power to the sign is completely concealed from view within the awning or sign
(b) Real estate signs	<ul style="list-style-type: none"> • must not be more than one sign per street frontage • must be displayed only on the premises which are for sale or lease • must not exceed 2.5 m² for residential premises and 4.5 m² for commercial premises • must not cover openings or architectural features of the building • must be flush to the wall (no "A" frame structures) • must not be located on an awning

Gosford City Centre Local Environmental Plan 2005

Schedule 4 Complying development

Type of Development	Standards
(c) Awning fascia signs	<ul style="list-style-type: none"> • must not be in place for longer than 4 months • prior to the installation of the sign, the Council must have been advised in writing of the dates on which the sign will be installed and removed • must not be more than one sign per shop/premises with a street frontage and an approved awning, and a minimum 3 m separation between each sign • must not extend above or below the awning fascia • must not project more than 25 mm from the face of the awning • must not be illuminated • must not be longer than 3 m or 25% of the length of the awning fascia, whichever is greater • must relate to the approved use of the shop/premises • must not display offensive material • must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises • must display the English translation of any wording of another language
(d) Projecting ground level wall signs	<ul style="list-style-type: none"> • not permitted on street frontages where there is an awning • must not be more than one sign per shop premises with a street frontage and a minimum 3 m separation between signs • must relate to the approved use of the shop/premises • must be not less than 0.3 m thick with each face no more than 0.75 m² in size • must not project more than one metre from the building when orientated vertically of 2.5 m when orientated horizontally • must allow a minimum clearance of 2.7 m above footpath level • must allow a minimum clearance of 4.1 m above footpath level if projecting within 0.75 m of the kerb

Gosford City Centre Local Environmental Plan 2005

Complying development

Schedule 4

Type of Development	Standards
(e) Temporary signs	<ul style="list-style-type: none"> • must not be illuminated • must not display offensive materials • must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises • must display the English translation of any wording of another language • any supporting structure must be constructed from durable materials that will not stain or damage the supporting wall and be identical to the supporting structure of any other approved projecting ground level sign on the building • advertisement must promote only non-commercial, non-profit social, cultural or recreational events only • must not be more than one temporary sign in a calendar year and must not be displayed for more than 40 days • banners must not be more than 3 m by 6 m in size • prior to the installation of the sign, the Council must have been advised in writing of the dates on which the sign will be installed and removed • must comply with the <i>Gosford City Centre Development Control Plan</i> in relation to the design and location of the sign • must not display offensive material • must display the English translation of any wording of another language • must be flush to the wall (no "A" frame structures) • must not be located on an awning

Gosford City Centre Local Environmental Plan 2005

Schedule 4 Complying development

Type of Development	Standards
<p>2 Change of use of a shop to a shop or commercial premises to commercial premises</p>	<ul style="list-style-type: none"> • the building has been lawfully constructed to be used for a shop or commercial premises • the building is not to be used as premises in which: <ul style="list-style-type: none"> (a) a category 1 restricted publication, category 2 restricted publication or a RC publication (within the meaning of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth is displayed or sold or otherwise rendered accessible or available to the public, or (b) there is conducted a business an object of which is the display or sale of any article, material, compound, preparation, device or other thing (whether of the same or of a different kind or nature) that is primarily concerned with, or is used or intended to be used in connection with sexual behaviour but is not printed material • the new use is not that of a brothel • the curtilage of the shop or commercial premises is not intended to be used for storage or display purposes • the hours of operation of the shop or commercial premise must not extend outside the hours during which the shop or commercial premises was so used immediately before the commencement of the new use • conditions of consent relating to the previous use or construction of the building concerning matters of maintenance, of landscaping, the parking of vehicles or the provision of space for the loading or unloading of goods or vehicles are complied with • the existing building and any proposed alterations must comply with fire safety provisions of the <i>Building Code of Australia</i>

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Complying development

Schedule 4

Type of Development	Standards
3 Internal alterations (such as fit out works, partitions etc)	<ul style="list-style-type: none"> • must not involve change of use (unless that change of use is permissible as complying development) • must be to previously completed buildings • must not result in windows or other openings being obscured or abutted • must not result in additional floor area • works must be non-structural • work must not adversely impact on fire safety or existing fire safety measures installed in the building, including alternative solutions and fire engineered designs previously accepted for the building • must not involve alterations to the building services for the base of the building • access for persons with disabilities must be provided in accordance with the <i>Building Code of Australia</i> and Council's Access Policy adopted on 10 December 1992 • must not involve external changes (including alterations to balconies or terrace areas) • adequate facilities must be provided for waste storage and recycling either on site or within the building • any fit out work must not relate to premises used for the sale or preparation of food, licensed premises, premises used for medical or other health purposes, premises used for skin penetration procedures (within the meaning of section 51 of the <i>Public Health Act 1991</i>) or premises used as a place of public entertainment • must not involve changes to the shopfront or office front of the premises

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(Clause 7)

Aboriginal place means any site which 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 carved trees and sharpening grooves or a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

active commercial use means the use of premises for the purposes of commerce in a way that activates the streetscape by the coming and going of customers, such as use by a shop, restaurant, hairdresser, beautician, bank, drycleaner, real estate agent, travel agent or the like.

active street frontage means a street frontage involving an active commercial use of the premises along the street.

advertisement means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.

Archaeological/Townscape/Landscape Items Map means the map marked "Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 2 Archaeological/Townscape/Landscape Items) Map".

boarding house means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include a hotel or a motel.

Building Heights Map means the map marked "Gosford City Centre Local Environmental Plan 2005—Building Heights Map".

building limitation line means a line fixed by the Council and shown on the zoning map between which and any specified public place, public reserve, waterway or other feature a building must not be erected.

Building Setbacks Map means the map marked "Gosford City Centre Local Environmental Plan 2005—Building Setbacks Map".

Building Uses Map means the map marked "Gosford City Centre Local Environmental Plan 2005—Building Uses Map".

Buildings, Building Elements and Sites Map means the map marked "Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 1 Buildings, Building Elements and Sites) Map".

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

- (a) a large area for handling, storage or display, or

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- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing.

carpark means a building or place used for parking vehicles (otherwise than as an ancillary use of land) whether or not operated for gain, and includes any associated access and manoeuvring space.

child care centre means a building or place used or intended for use for the purpose of educating, minding, or caring for (without provision for residential care) 8 or more children under 6 years of age, not related to the person so using the building or place, but does not include an educational establishment.

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

coastal hazard protection works means any works which are undertaken by a public authority for the purpose of managing the impact of coastal tides, flooding, storms, vegetation or erosion on public or private land (or both).

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include any other building or place elsewhere defined in this Dictionary.

communication facility means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes (but is not limited to) radio masts, towers and satellite dishes.

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

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

community land means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office to establish the heritage significance of a heritage item and to identify conservation policies and management mechanisms that are appropriate to enable the significance to be retained.

Council means the Council of the City of Gosford.

demolish a heritage item means wholly or partly pull down or dismantle the item.

demolition, in relation to a building or work other than a heritage item, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

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dual occupancy means 2 dwellings (whether attached or detached) on a single allotment of land.

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

dwelling house means a building containing 1, but not more than 1, dwelling.

eco-top, in relation to a building, means that part of a building projecting between RL 47 and RL 53 with a frontage of not more than 12 metres wide, that contains water storage or water reuse areas, solar panels and the like that contribute positively to the environmental sustainability of the building.

ecologically sustainable development means development which uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life now and in the future, can be increased.

educational establishment means a building or place used for teaching and learning comprising:

- (a) a kindergarten, pre-school, primary school or high school, or
- (b) a tertiary institution which is constituted by or under an Act, being a university, teachers college, technical college or other tertiary college providing formal education, or
- (c) an art gallery or museum that does not sell the items it displays.

floor means the space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above.

floor space, in relation to a building, means the sum of gross horizontal areas of each floor of the building contained within the inner faces of the outer walls measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors, above ground storage space, above ground car parking and toilets, but excluding:

- (a) the horizontal cross-section area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct,
- (b) any underground space permanently set aside within the building for:
 - (i) parking, and
 - (ii) the unloading or loading of vehicles, including ramps or other means of access, and
 - (iii) storage space that is linked to a residential dwelling by an appropriate strata plan,
- (c) any space for the accommodation of mechanical or electrical plant or equipment servicing the building.

floor space ratio in relation to a building, means the ratio of the floor space of all buildings (including car parking above ground level) erected or proposed to be erected to the site area on which the buildings are erected or proposed to be erected.

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

ground level, in relation to a site, means the ground level of the site at the date of the lodgment of a development application in relation to the site, disregarding the effect on the site of any works carried out or undertaken without the approval of the consent authority.

hardware and building supply outlet means a place or building used for the display, storage, hire or sale of goods, equipment and materials used in the building industry, but does not include a building or place elsewhere defined in this Dictionary.

height, in relation to a building means the vertical distance between the topmost point of the building and the ground level below.

heritage impact statement means a document which contains an assessment of the heritage significance of a heritage item and of the extent to which a development proposal may affect the heritage significance of the heritage item.

heritage inventory assessment report means the relevant heritage assessment report in relation to a heritage item prepared as part of the *Gosford City Centre Heritage Study* in 2004.

heritage item means:

- (a) a single building, building element, part of a building or groups of buildings described in Category 1 of Schedule 1, and the site on which it is or they are located, being buildings and sites shown on the Buildings, Building Elements and Sites Map, together with any structure or landscape item located on or within site concerned, or
- (b) an archaeological, townscape or landscape item described in Category 2 in Schedule 1 and shown on the Archaeological/Townscape/Landscape Items Map, or
- (c) an item or building described in Category 3 of Schedule 1 and shown on the Items/Buildings of Heritage Interest Map.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance in relation to Gosford City Centre.

home business means a business with not more than 3 personal-computer-based office workplaces carried on within a dwelling (that may be in a residential flat building), or in a building erected on an allotment containing a dwelling, but only if:

- (a) the combined area used in the capacity of an office does not exceed 30 square metres, and
- (b) the business is conducted and completed totally through electronic means, and
- (c) the business does not interfere unreasonably with the amenity of adjoining properties or involve exposure to view from any place of any unsightly matter, or equipment or machinery, and

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- (d) the business does not involve the display of goods, whether in a window or otherwise, and
 - (e) the business does not require the provision of any service main of a greater capacity than that available in the locality, and
 - (f) the business does not generate significant additional traffic or car parking, or create or increase a condition of ribbon development on any road, adversely affecting the capacity and safety of the road, and
 - (g) any advertisements on the site are limited to not more than 2 commercial signs with a combined advertising area not exceeding 1 square metre and which indicate only the name and business carried on the property.

home occupation means an occupation carried on in a dual occupancy, dwelling-house or a dwelling in a residential flat building by the permanent residents of the dual occupancy, dwelling-house or dwelling which does not involve any of the following:

- (a) the employment of persons other than those residents,
- (b) prostitution,
- (c) the provision of bed and breakfast accommodation,
- (d) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil or otherwise,
- (e) the display of goods, whether in a window or otherwise,
- (f) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign, not exceeding 1 metre square, exhibited on or in the curtilage of the property on which the dual occupancy dwelling, dwelling-house or dwelling is located to indicate the name and occupation of the resident),
- (g) the sale or hire of items (whether goods or materials) or the exposure or display or offer for sale or hire of items, by retail or rental and the like,
- (h) the generation of significant additional traffic or car parking or the creation of, or increase in, a condition of ribbon development on any road, adversely affecting the capacity and safety of the road.

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

- (a) a nursing home, and
- (b) ancillary facilities for accommodation of staff and visitors, and
- (c) associated educational or research facilities.

hotel means a building or place to which a hoteliers licence granted under the *Liquor Act 1982* relates.

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Items/Buildings of Heritage Interest Map means the map marked “Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 3 Items/Buildings of Heritage Interest) Map”.

medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

mixed use development means a building or building used for a mixture of residential purposes and any one or more of the following:

- (a) commercial purposes,
- (b) retail purposes,
- (c) any other purpose permissible within the relevant zone.

mooring means any place at which any mooring pile is used if the use of that place for that purpose requires a licence from the Waterways Authority.

mooring pen means an arrangement of freestanding mooring piles, or similar restraining devices, within which a vessel is permanently berthed.

mooring pile means any apparatus that is used to secure a vessel.

motel means a building or place used for the temporary or short-term accommodation of travellers or the general public, whether or not a restaurant is included, but does not include a hotel, boarding house or residential flat building.

motor showroom means a building or place used for the display or sale of motor driven or motor drawn vehicles or boats (including accessories for such vehicles or boats).

navigation aid means any device or system, external to a vessel, that is approved by the Waterways Authority and is designed or operated so as to enhance the safe and efficient navigation of vessels.

operational land means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

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

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

plan of management means a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989*, or a draft plan of management which has been exhibited under either of those Acts.

plant nursery means a building or place used for the growing and retail sale of plants and ancillary items, whether or not it is also used for storing, handling and subsequent distribution of plants, ancillary items or landscape supplies (including earth products).

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potential archaeological site means a site known to the Council to have archaeological potential even if it is not so identified or shown on a map.

public utility undertaking means any of the following undertakings carried on by, or by authority of, any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf, harbour or river undertakings,
 - (b) undertakings for the supply of water, hydraulic power, electricity, telecommunications or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking is taken to include a reference to the council, county council, Government department, corporation, firm or authority carrying on the undertaking.

reception room means a building or place used principally for the purpose of wedding receptions, birthday parties and the like.

recreation and sporting facility means a building or place used for the purpose of sport and recreation, but does not include anything elsewhere defined in this Dictionary.

recreation area means a children's playground, passive open space area, public garden and the like.

Reduced Level (RL) means height above Australian Height Datum.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of Gosford City Centre, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of Gosford City Centre whether before or after its occupation by persons of non-Aboriginal extraction.

renovation, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

residential flat building means a building containing 2 or more dwellings but does not include anything elsewhere defined in this Dictionary.

restaurant means premises, the principal purpose of which is the provision of food and drink to people for consumption on the premises, or the provision of take-away food and drink, or both.

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road means a public thoroughfare used for the passage of persons, vehicles or animals and includes:

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road ferry, ford or other works or structure forming part of the road.

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:

- (a) the sale by retail of spare parts and accessories and the installation of motor vehicle accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting),
- (d) the sale or hire of motor vehicles or trailers,
- (e) the sale of small consumer items.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not including a building or place elsewhere specifically defined in this Dictionary or a building or place used for a purpose elsewhere defined in this Dictionary.

shop top housing means residential accommodation comprising not more than two dwellings (whether or not separately titled), each of which:

- (a) is located wholly or partially above a shop or commercial premises (or both), and
- (b) forms an integrated component of the building in which the shop or commercial premises is located.

site area, for the purpose of calculating a floor space ratio, means the area of all contiguous land to which a development application relates.

Special Development Areas Map means the map marked “Gosford City Centre Local Environmental Plan 2005—Special Development Areas Map”.

utility installation means a building or work used for a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vehicle repair station means a building or placed used for:

- (a) the selling and fitting of accessories to, or
- (b) the repair (other than body building, panel beating or spray painting) of motor vehicles.

Gosford City Centre Local Environmental Plan 2005

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veterinary hospital means a building or place used for the purpose of providing veterinary services to animals (including preventative care, diagnosis and medical or surgical treatment), whether or not the animals are kept on the premises for the purpose of treatment.

warehouse means a building or place used for the storing, handling and subsequent distribution of goods, materials or merchandise, but does not include a building or place used for the retail sale of such goods, materials or merchandise or any other building or place elsewhere defined in this Dictionary.

zoning map means the map marked “Gosford City Centre Local Environmental Plan 2005—Zoning Map”.

Department of Primary Industries

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-5558)

No. 2629, BARRICK AUSTRALIA LIMITED (ACN 007 857 598), area of 42 units, for Group 1, dated 7 December, 2005. (Orange Mining Division).

(05-5711)

No. 2630, WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253) AND REPUBLIC COAL PTY LIMITED (ACN 079 990 784), area of 125 square kilometres, for Group 9, dated 6 December, 2005. (Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(04-656)

No. 2469, now Exploration Licence No. 6465, ANDROMEDA VENTURES LTD (ACN 101 667 672), Counties of Fitzroy and Gresham, Map Sheet (9337, 9437), area of 83 units, for Group 1, dated 29 September, 2005, for a term until 28 September, 2007.

(05-223)

No. 2542, now Exploration Licence No. 6487, ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232), Counties of Darling and Murchison, Map Sheet (9037), area of 29 units, for Group 2, dated 28 November, 2005, for a term until 27 November, 2007.

(05-228)

No. 2549, now Exploration Licence No. 6484, MINEX (AUST) PTY LTD (ACN 091 546 708), Counties of Buccleuch and Harden, Map Sheet (8527, 8528), area of 52 units, for Group 1, dated 21 November, 2005, for a term until 20 November, 2007.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

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

(T83-0858)

Exploration Licence No. 2151, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), area of 38 units. Application for renewal received 8 December, 2005.

(T92-0331)

Exploration Licence No. 4473, SITEGOAL PTY. LIMITED (ACN 052 317 503), area of 1 units. Application for renewal received 12 December, 2005.

(T95-1157)

Exploration Licence No. 5339, WILDESIGN PTY LTD (ACN 063 680 615), area of 5 units. Application for renewal received 12 December, 2005.

(T97-1269)

Exploration Licence No. 5400, ZEOLITE AUSTRALIA PTY LIMITED (ACN 000 038 497), area of 3 units. Application for renewal received 8 December, 2005.

(T99-0016)

Exploration Licence No. 5671, MILLENNIUM MINERALS (OPERATIONS) PTY LIMITED (ACN 077 507 521), area of 11 units. Application for renewal received 9 December, 2005.

(T01-0129)

Exploration Licence No. 5919, PLATSEARCH NL (ACN 003 254 395) AND EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), area of 13 units. Application for renewal received 12 December, 2005.

(T03-0856)

Exploration Licence No. 6190, VIDORO PTY LTD (ACN 094 217 482), area of 22 units. Application for renewal received 9 December, 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T94/0570)

Mining lease No. 101 (Act 1973), UNIMIN LIME (NSW) PTY LTD, Parish of Antimony, County of Buller, Map Sheet (9340-2-N), area of 18.08 hectares, for a further term 23 November 2017. Renewal effective on and from 07 December, 2005.

(T95/0607)

Mining lease No. 348 (Act 1973), UNIMIN LIME (NSW) PTY LTD, Parish of Antimony, County of Buller, Map Sheet (9340-2-N), area of 10.63 hectares, for a further term 14 December 2018. Renewal effective on and from 07 December, 2005.

(T95/0609)

Mining lease No. 350 (Act 1973), UNIMIN LIME (NSW) PTY LTD, Parish of Antimony, County of Buller, Map Sheet (9340-2-N), area of 8 hectares, for a further term 14 December 2018. Renewal effective on and from 07 December, 2005.

(T95/0611)

Mining lease No. 351 (Act 1973), UNIMIN LIME (NSW) PTY LTD, Parish of Antimony, County of Buller, Map Sheet (9340-2-N), area of 24.64 hectares, for a further term 14 December 2018. Renewal effective on and from 07 December, 2005.

(C02-0676)

Exploration Licence No. 5461, SAXONVALE COAL PTY LIMITED (ACN 003 526 467) AND NIPPON STEEL AUSTRALIA PTY LIMITED (ACN 001 445 049), County of Northumberland, Map Sheet (9132), area of 546 hectares, for a further term until 2 April, 2008. Renewal effective on and from 5 December, 2005.

(T99-0108)

Exploration Licence No. 5615, ILUKA MIDWEST LIMITED (ACN 008 763 666), County of Taila, Map Sheet (7428), area of 17 units, for a further term until 26 August, 2007. Renewal effective on and from 6 December, 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

RURAL LANDS PROTECTION ACT 1998

Proclamation

Amalgamation of Balranald Rural Lands Protection District and Wentworth Rural Lands Protection District under the Rural Lands Protection Act 1998

Her Excellency Professor Marie Bashir, A.C., Governor I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, pursuant to section 5 (2) of the Rural Lands Protection 1998 ('the Act'):

1. amend the Proclamation entitled "Amendment of the Boundaries of the Pastures Protection Districts of the Western Division of the State of New South Wales under the Pastures Protection Act 1912" published in NSW Government Gazette No. 26 on 24 February 1928 at pages 1-4 ("the former proclamation") to revoke the boundaries of Balranald District and Wentworth District, and any proclamations revived as a result of these revocations;
2. pursuant to section 5 (2) of the Act declare that all of the Balranald Rural Lands Protection District and all of the Wentworth Rural Lands Protection District as described in the former proclamation are amalgamated to constitute a single district having the boundaries listed in Schedule 1 and having the name Balranald-Wentworth Rural Lands Protection District;
3. pursuant to section 5 (3) of the Act vest any property and assign any rights and obligations of the Balranald Rural Lands Protection Board as existing immediately before the commencement of this proclamation in the Balranald-Wentworth Rural Lands Protection Board; and
4. pursuant to section 5 (3) of the Act vest any property and assign any rights and obligations of the Wentworth Rural Lands Protection Board as existing immediately before the commencement of this proclamation in the Balranald-Wentworth Rural Lands Protection Board.

SCHEDULE 1

Commencing at the north-western corner of the Parish of Barry in the County of Windeyer (at the NSW/South Australia border), thence generally easterly along the northern boundaries of the Parishes of Barry and Badham to

where it intersects with the western boundary of the Parish of Spinifex, thence along the generally western and northern boundaries of the Parish of Spinifex, thence along the generally northern boundaries of the Parishes of Buckalow and Milang, thence along the generally eastern boundary of the Parishes of Milang and Boree (all within the County of Windeyer) to the intersection of the northern boundary of the Parish of Winda in the County of Tara, thence along the generally northern boundary of the Parish of Winda, thence along the generally northern and eastern boundaries of the Parish of Popilta (in the County of Windeyer), thence along the generally north-eastern boundary of the Parish of Palinor, and the generally northern boundaries of the Parishes of Illawla, Kertne, Erreman, and Orara, thence generally easterly within the Parish of Mullojama (all in the County of Windyer) to the Darling River and the intersection with the generally western boundary of the Parish of Pooncaira in the County of Perry, thence along the generally westerly boundary of the Parishes of Timpugna, Wreford, Moorara, Barraba and Glenstal thence along the generally western and northern boundary of the Parish of Barrit, thence along the generally northern boundary of the Parish of Wentworth to the intersection with the generally western boundary of the Parish of Nanda, thence along the generally western boundaries of the Parishes of Nanda, Pines and Peppora, thence along the generally northern boundaries of the Parishes of Peppora, Gunpanoola and Cooyarunda to the intersection with the generally western boundary of the Parish of Bimpia, thence along the generally western boundaries of the Parishes of Bimpia and Tuckinya (all within the County of Perry), thence along the generally northern boundaries of the Parishes of Tuckinya, Nuccalo, Blenalben and Linbee, thence along the generally eastern boundaries of the Parishes of Linbee, Midgehope and Kandra, thence along the generally southern boundary of the parish of Kandra to the intersection with the generally eastern boundary of the Parish of Beela, thence along the eastern boundary of the Parish of Beela to the intersection with the generally northern boundary of the Parish of Baymore (all within the County of Perry), thence along the generally northern boundaries of the Parishes of Baymore, Mandellman and Willandra (in the County of Manara) to the generally western boundary of the Parish of Oberwells, thence along the generally western boundary of the Parish of Oberwells to the point where that boundary turns eastwards, thence in a straight line to the generally north-western corner of the Parish of Yhoul, thence along the generally northern boundary of the Parishes of Yhoul and Benelkay (in the County of Manara), thence along the generally northern and western boundary of the Parish of Culparling, thence along the generally northern boundary of the Parishes of Culpataro, St Andrew and Carngham (in the County of Waltjeers), thence along the northern and western boundaries of the Parish of Kingswell, thence along the generally western, northern and eastern boundary of the Parish of Yarto to the generally north-eastern corner of the Parish of Kingswell (all within the County of Waltjeers), thence along the generally eastern boundaries of the Parishes of Kingswell, Toms Lake, and Massie to the junction with the generally northern boundary of the Parish of Moodarnong (all within the County of Waltjeers), thence along the generally northern boundary of the Parishes of Moodarnong and Thononga (County of Nicholson), thence along the Lachlan River to the junction with the generally north-western boundary of the Parish of Benelkay, thence along that boundary to the junction with the Murrumbidgee River, thence along that river to the junction with the generally north-eastern corner of the Parish of Benongal, thence along

the generally eastern boundaries of the Parishes of Benongal and Tararie to the junction with the Wakool River, thence generally westerly along that river to its confluence with the Murray River, thence generally westerly along that river to the NSW/South Australia border, thence generally northerly along that border to the point of commencement.

This Proclamation commences on 1 January 2006.

Signed and sealed at Sydney this 14th day of December 2005.

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

RURAL LANDS PROTECTION ACT 1998

Section 40 Order

Declaration of the number of Directors on the Board for the purposes of the Rural Lands Protection Act 1998

I, IAN MACDONALD MLC, Minister for Primary Industries, do by this order direct that:

1. pursuant to section 40 (2) of the Rural Lands Protection Act 1998, the Balranald-Wentworth Rural Lands Protection Board is to consist of 10 directors commencing at the next general election of directors of the board; and
2. pursuant to section 40 (3) of the Rural Lands Protection Act 1998, the Balranald-Wentworth Rural Lands Protection District must elect five directors for each division.

This Order commences on 1 January 2006.

Dated this 14th day of December 2005.

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

RURAL LANDS PROTECTION ACT 1998

Section 224 Order

Declaration of Board of Directors for the purposes of the Rural Lands Protection Act 1998

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 224 (2) of the Rural Lands Protection Act 1998, do by this order direct that:

1. a person holding office as a director of the Balranald Rural Lands Protection Board immediately before the commencement of this order continues to exercise the functions of director of the Balranald-Wentworth Rural Lands Protection Board pending the election of the directors of the board for the Balranald-Wentworth Rural Lands Protection Board; and
2. a person holding office as a director of the Wentworth Rural Lands Protection Board immediately before the commencement of this order continues to exercise the function of director of the Balranald-Wentworth Rural Lands Protection Board pending the election of the directors of the board for the Balranald-Wentworth Rural Lands Protection Board.

Note: Section 39 (1) of the Rural Lands Protection Act 1998 states that the corporate name of the Board is

automatically determined following the Governor's proclamation of the name of the District. This corporate name is Balranald-Wentworth Rural Lands Protection Board.

This Order commences on 1 January 2006.

Dated this 14th day of December 2005.

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

RURAL LANDS PROTECTION ACT 1998

Section 6 Order

Declaration of Division of Districts for the Balranald-Wentworth Rural Lands Protection District for the purposes of the Rural Lands Protection Act 1998

I, IAN MACDONALD MLC, Minister for Primary Industries,

1. pursuant to section 7 of the Rural Lands Protection Act 1998, amend the Order published in the Government Gazette of 16 August 2002, No. 130 on page 6108, to remove "Balranald" Rural Lands Protection District and "Wentworth" Rural Lands Protection District; and
2. pursuant to section 6 (1) of the Rural Lands Protection Act 1998, do by this order, divide the Balranald-Wentworth Rural Lands Protection District into two divisions having the boundary as described in Schedule 1.

SCHEDULE 1

Boundary between Division A and Division B

Commencing at the generally south-eastern corner of the Parish of Beela in the County of Perry, thence westward to the generally north-eastern corner of the Parish of Bertram, thence along the generally eastern boundary of the Parishes of Bertram and Garnpung, thence westward along the generally southern boundary of the Parish of Garnpung to the generally north-eastern corner of the Parish of Bullanmong, thence along the generally eastern boundary of the Parishes of Bullanmong, Roma and Arumpo in the County of Wentworth, thence along the generally eastern and southern boundaries of the Parish of Buraguy to the intersection of the Parishes of Buraguy, Bunchie and Mindelwul, thence generally southerly along the eastern boundaries of the Parishes of Mindelwul, Ulong and Thirrang to the intersection of the Parishes of Thirrang and Garnet in the County of Wentworth and the Parish of Marma in the County of Taila, thence generally easterly along the generally northern boundary of the Parish of Garnet (County of Wentworth) to its generally north-east corner, thence generally southerly along the generally eastern boundaries of the Parishes of Garnet, Laurie and Gunthul to its south-east corner (County of Taila), thence generally westerly along the generally southern boundaries of the Parishes of Gunthul and Boorong to the intersection of the Parishes of Boorong, Youngera and Mallee Cliffs, thence generally southerly and south-westerly along the generally eastern boundaries of the parishes of Mallee Cliffs, Bengallow and Matalong to the Murray River.

This Order commences on 1 January 2006.

Dated this 14th day of December 2005.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, Mike Hannon, Acting Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 4.6 metre high vehicles may be used.

MIKE HANNON,
A/Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority 4.6 Metre High Vehicles Route Notice No. 2/2005

2. Commencement

This Notice takes effect on 16 December 2005

3. Effect

This Notice remains in force until 31 December 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6m High Vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	6009	Westlink M7 including on and off ramps at the following locations: M5 Motorway, Bernera Road, Cowpasture Road, Elizabeth Drive, Wallgrove Road near Villiers Road, The Horsley Drive, Wallgrove Road at Old Wallgrove Road, M4 Motorway, Great Western Highway, Woodstock Avenue, Power Street, Richmond Road, Quakers Hill Parkway, Sunnyholt Road, Norwest Boulevard, Old Windsor Road	M2 Motorway	M5 South Western Motorway

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, Michael Hannon, Acting Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which B-Doubles may be used.

MIKE HANNON,
A/Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority 25 Metre B-Double Route Notice No. 9/2005

2. Commencement

This Notice takes effect on 16 December 2005

3. Effect

This Notice remains in force until 31 December 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	6009	Westlink M7 including on and off ramps at the following locations: M5 Motorway, Bernera Road, Cowpasture Road, Elizabeth Drive, The Horsley Drive, Wallgrove Road at Old Wallgrove Road, M4 Motorway, Great Western Highway, Woodstock Avenue, Power Street, Richmond Road, Sunnyholt Road, Norwest Boulevard, Old Windsor Road	M2 Motorway	South Western Motorway

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

DUBBO CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road trains may be used subject to any requirements or conditions set out in the Schedule.

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)
9 December 2005

SCHEDULE**1. Citation**

This Notice may be cited as Dubbo City Council Notice No. 5/2005

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 December 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Trains vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
RT	000	Erskine Street, Dubbo	Whylandra Street, Dubbo	Fitzroy Street, Cobbora Road (SH 27), Roundabout, Dubbo	
RT	000	Yarrandale Road, Dubbo	Boothenba Road, North Dubbo	Moffatt Drive, North Dubbo	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation 2005

DUBBO CITY COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which Road Trains may be used.

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Dubbo City Council Road Train Repeal Notice No. 4/2005

2. Commencement

This Notice takes effect on the date of gazettal

3. Amendment

The Permit Notice for Road Trains as at June 2004 is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
RT	Cobbora Road, Dubbo	Erskine Street (MR 206), Dubbo	Yarrandale Road, North Dubbo
RT	Erskine Street, Dubbo	Whylandra Street, Dubbo	Cobbora Road (SH 27), Dubbo
RT	Yarrandale Road, Dubbo	Cobbora Road (SH 27), Dubbo	Boothenba Road, North Dubbo

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

PENRITH CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Doubles may be used.

ALAN TRAVERS,
General Manager,
Penrith City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Penrith City Council B-Double Route Repeal Notice No. 1/2005.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The Penrith City Council B-Doubles Notice No 1/1994 is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25	Coreen Avenue, Penrith	Coombes Drive	Parker Street

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

BLACKTOWN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, 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.

IAN REYNOLDS,
General Manager,
Blacktown City Council
(by delegation from the Minister for Roads)
9 December 2005

SCHEDULE
1. Citation

This Notice may be cited as Blacktown City Council 25 Metre B-Double Route Notice No. 9/2005

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25	Eighth Avenue, Llandilo	Stoney Creek Road	South Creek (Council boundary)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at McGraths Hill and Mulgrave in the Hawkesbury City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Hawkesbury City Council area, Parish of St Matthew and County of Cumberland, shown as:

Lot 15 Deposited Plan 220278;

Lot 20 Deposited Plan 220279;

Lot 11 Deposited Plan 1035755;

Lots 22 and 23 Deposited Plan 1035758;

Lots 68 and 69 Deposited Plan 1035764; and

Lot 21 Deposited Plan 1035864.

(RTA Papers: 91.1625)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Campsie in the Canterbury City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Canterbury City Council area, Parish of St George and County of Cumberland, shown as Lots 9 to 16 inclusive Deposited Plan 878714.

(RTA Papers: FPP 98M3504; RO 78.12061)

Other Notices

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 25 and 51 of the Anti-Discrimination Act 1977 to TAFE NSW Riverina Institute to designate, advertise and recruit a female for a permanent, part-time TAFE Counsellor position at the Albury Campus.

This exemption will remain in force for a period of ten years from the date given.

Dated this 7th day of December 2005.

BOB DEBUS,
Attorney General

APPRENTICESHIP AND TRAINEESHIP ACT 2001

ORDER

I, Ian Kingsley, Commissioner for Vocational Training, in pursuance of section 5 of the Apprenticeship and Traineeship Act 2001, make the Order set forth hereunder.

IAN KINGSLEY,
Commissioner for Vocational Training

Commencement

1. This Order takes effect from the date of publication in the NSW Government Gazette.

Amendment

2. The Apprenticeship and Traineeship Order is amended by:
 - (a) inserting in Schedule 2 in appropriate alphabetical order the following vocation which is designated as a recognised trade vocation for the purpose of the Apprenticeship and Traineeship Act 2001:
Automotive Manufacturing Bus, Truck and Trailer

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive Manufacturing Bus, Truck and Trailer.

Citation

The order is cited as the Automotive Manufacturing Bus, Truck and Trailer Order.

Order

A summary of the Order is given below.

(a) Term of Training

Training is full time only by direct entry. Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(b) Competency Outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed Automotive Industry Manufacturing Training Package (AUM00).

(c) Courses of Study to be undertaken

Apprentices will undertake AUM35101 Certificate III in Automotive Manufacturing (Bus, Truck and Trailer) from the Automotive Industry Manufacturing Training Package (AUM00).

Availability for Inspection

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Probus Club of Northern Line Cheltenham
Incorporated Y0789737

Gunnedah Chemical Liaison Committee Incorporated
Y2699040

Naturally Warnervale Landcare Incorporated
INC9876965

SBP Hunter Region Inc Y0134606

Travellers Aid Sydney Incorporated INC9880877

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce
6 December 2005

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4)(a)

TAKE notice that the company "Dalwood Restoration Association Limited" formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as "Dalwood Restoration Association Incorporated" effective 14 December 2005.

KERRI GRANT,
Delegate of Commissioner,
Office of Fair Trading
14 December 2005

BANKS AND BANK HOLIDAYS ACT 1912

Notice

I, John Della Bosca, Minister for Industrial Relations, in pursuance of section 19 (3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 9th day of December, 2005.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Afternoon, Friday, 10 February 2006	Walcha Council area
Friday, 17 February 2006	That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawong, Bugong, Yarrawa and Wallawa, situated within the Shoalhaven City Council area
Afternoon, Monday, 20 March 2006	Armidale Dumaresq Council area
Afternoon, Friday, 24 March 2006	Albury City Council area
Afternoon, Wednesday, 26 April 2006	Kempsey Shire Council area
Afternoon, Wednesday, 3 May 2006	Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council area
Afternoon, Wednesday, 3 May 2006	Kempsey Shire Council area
Tuesday, 9 May 2006	That portion of the township of Yeoval which is in the Cabonne Council area
Afternoon, Monday, 15 May 2006	Bogan Shire Council area
Wednesday, 17 May 2006	Gilgandra Shire Council area
Afternoon, Friday, 19 May 2006	Towns of Aberdeen, Blandford, Bunnan, Ellerston, Gundy, Moonan Brook, Moonan Flat, Murrurundi, Parkville, Scone, Rouchel, Timor and Wingen within the Upper Hunter Shire Council area
Wednesday, 24 May 2006	Coonamble Shire Council area
Afternoon, Wednesday, 12 July 2006	City of Grafton within the Clarence Valley Council area
Afternoon, Thursday, 13 July 2006	
Afternoon, Thursday, 3 August 2006	Coffs Harbour City Council area

Wednesday, 16 August 2006	Town of Trundle within the Parkes Shire Council area
Wednesday, 23 August 2006	Town of Peak Hill within the Parkes Shire Council area
Afternoon, Tuesday, 29 August 2006	Town of Parkes within the Parkes Shire Council area
Afternoon, Wednesday, 6 September 2006	West Wyalong/Wyalong Town Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council area
Afternoon, Friday, 8 September 2006	Forbes Shire Council area
Afternoon, Thursday, 14 September 2006	Ballina Shire Council area
Afternoon, Tuesday, 26 September 2006	Young Shire Council area
Afternoon, Thursday, 28 September 2006	Lismore City Council area
Afternoon, Thursday, 19 October 2006	Lismore City Council area
Afternoon, Thursday, 2 November 2006	City of Grafton within the Clarence Valley Council area
Afternoon, Tuesday, 7 November 2006	Muswellbrook Shire Council area

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact – Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve the extension of the Penrith Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 23 December 2005 and remains in force until 22 December 2006.

Signed at Sydney, this 21st day of November 2005.

BOB DEBUS,
Attorney General

CONTAMINATED LAND MANAGEMENT ACT 1997

Declaration of investigation area

Section 15 of the
Contaminated Land Management Act 1997

Declaration No.: 15032, Area No. 3018

THE Environment Protection Authority (the "EPA") declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")
The site is the premises at 14 Grand Avenue (Lot 100, DP 809340) in Camellia NSW in the local government area of Parramatta.
2. Nature of contamination affecting the site:
The EPA believes that the site is contaminated with chromium.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that it has reasonable grounds to believe that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- The site is known to be contaminated with chromium wastes.
- Hexavalent chromium (Cr(VI)) has been detected in groundwater at the site at concentrations exceeding the high reliability guideline trigger values in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for the protection of marine ecosystems (95% protection).
- Groundwater from the site ultimately discharges into the Parramatta River. Bright yellow seeps (indicative of Cr(VI) contamination) were observed along the Parramatta River foreshore adjacent to 37-39 Grand Avenue (hydraulically downgradient of the site) in May-August 2005.
- A study undertaken by NSW EPA in 2002-03 found Cr(VI) to be significantly impacting on the marine ecosystems of Parramatta River in the vicinity of 37 Grand Avenue.
- There is some potential for human exposure to Cr(VI) contaminated water:
 - although very difficult, it is possible for members of the public to access the Parramatta River foreshore area
 - workers undertaking excavation works on the site or in adjacent service trenches.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the area and any person may submit a voluntary investigation proposal for the area to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree to the proposal and not issue an investigation order.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue an investigation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites,
Department of Environment and Conservation,
PO Box A290,
Sydney South NSW 1232

or faxed to (02) 9995 5930

by not later than 31 January 2006

CAROLYN STRANGE,
Director Contaminated Sites,
Department of Environment and Conservation

Date: 14 December 2005.

NOTE:

Investigation order may follow

If investigation of the site or part of the site is required, the EPA may issue an investigation order under section 17 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CONTAMINATED LAND MANAGEMENT ACT 1997

Declaration of investigation area

Section 15 of the
Contaminated Land Management Act 1997

Declaration No.: 15033, Area No. 3020

THE Environment Protection Authority (the "EPA") declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site is the premises at 39 Grand Avenue (Lot 2, DP 539890 and Lot 2, DP 615549) in Camellia NSW in the local government area of Parramatta.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with chromium.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that it has reasonable grounds to believe that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- The site is known to be contaminated with chromium wastes.
- Hexavalent chromium (Cr(VI)) has been detected in water seeping into the Parramatta River from the site at concentrations exceeding the high reliability guideline trigger values in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for the protection of marine ecosystems (95% protection).

- Bright yellow seeps (indicative of Cr(VI) contamination) were observed along the Parramatta River foreshore adjacent to the site in May-August 2005
- A study undertaken by NSW EPA in 2002-03 found Cr(VI) to be significantly impacting on the marine ecosystems of Parramatta River in the vicinity of 37 Grand Avenue (just west of the site).
- There is some potential for human exposure to Cr(VI) contaminated water:
 - although very difficult, it is possible for members of the public to access the Parramatta River foreshore area
 - workers undertaking excavation works on the site or in adjacent service trenches.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the area and any person may submit a voluntary investigation proposal for the area to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree to the proposal and not issue an investigation order.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue an investigation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites,
Department of Environment and Conservation,
PO Box A290,
Sydney South NSW 1232

or faxed to (02) 9995 5930

by not later than 31 January 2006

CAROLYN STRANGE,
Director Contaminated Sites,
Department of Environment and Conservation

Date: 14 December 2005.

NOTE:

Investigation order may follow

If investigation of the site or part of the site is required, the EPA may issue an investigation order under section 17 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued

pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CONTAMINATED LAND MANAGEMENT ACT 1997

Declaration of investigation area

Section 15 of the
Contaminated Land Management Act 1997

Declaration No.: 15034, Area No. 3215

THE Environment Protection Authority (the "EPA") declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site is the premises at 41 Grand Avenue (Lot 1, DP 615549) in Camellia NSW in the local government area of Parramatta.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with chromium.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that it has reasonable grounds to believe that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- Hexavalent chromium (Cr(VI)) has been detected in groundwater at the site at concentrations exceeding the high reliability guideline trigger values in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for the protection of marine ecosystems (95% protection).
- Groundwater from the site discharges into the Parramatta River.
- A study undertaken by NSW EPA in 2002-03 found Cr(VI) to be significantly impacting on the marine ecosystems of Parramatta River in the vicinity of 37 Grand Avenue (just west of the site).
- There is some potential for human exposure to Cr(VI) contaminated water:
 - although very difficult, it is possible for members of the public to access the Parramatta River foreshore area
 - workers undertaking excavation works on the site or in adjacent service trenches.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the area and any person may submit a voluntary investigation proposal for the area to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree to the proposal and not issue an investigation order.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue an investigation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites,
Department of Environment and Conservation,
PO Box A290,
Sydney South NSW 1232

or faxed to (02) 9995 5930

by not later than 31 January 2006

CAROLYN STRANGE,
Director Contaminated Sites,
Department of Environment and Conservation

Date: 14 December 2005.

NOTE:

Investigation order may follow

If investigation of the site or part of the site is required, the EPA may issue an investigation order under section 17 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CONTAMINATED LAND MANAGEMENT ACT 1997

Declaration of investigation area

Section 15 of the
Contaminated Land Management Act 1997

Declaration Number 21088; Area Number 3215

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site is the premises at 37 Grand Avenue (Lot 1, DP539890) in Camellia NSW in the local government area of Parramatta.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with chromium.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- Hexavalent chromium (Cr(VI)) has been detected in groundwater at the site and in water seeping into Parramatta River from the site at concentrations significantly exceeding the high reliability guideline trigger values in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for the protection of marine ecosystems (95% protection) and at levels found to be acute to marine organisms.
- Bright yellow seeps (indicative of Cr(VI) contamination) were observed along the Parramatta River foreshore adjacent to the site in May-August 2005.
- A study undertaken by EPA in 2002-03 found:
 - Cr(VI) to be significantly impacting on the marine ecosystems of Parramatta River in the vicinity of the site;
 - The concentration of Cr(VI) in the seepage water is such that it has the potential to affect fauna on a local scale even when diluted by the tidal waters;
 - Parts of the mangrove forest adjacent to the site is showing signs of stress; and
 - There was increased bioavailability of chromium (Cr) in the vicinity of the site.
- There is some potential for human exposure to Cr(VI) contaminated water:
 - although very difficult, it is possible for members of the public to access the Parramatta River foreshore area
 - workers undertaking excavation works on the site or in adjacent service trenches.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the area and any person may submit a voluntary remediation proposal for the area to the EPA. If the proposal satisfies the requirements of section 26 of the Act, the EPA may agree to the proposal and not issue an remediation order.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:
 Director Contaminated Sites,
 Department of Environment and Conservation,
 PO Box A290,
 Sydney South NSW 1232
 or faxed to (02) 9995 5930
 by not later than 31 January 2006

CAROLYN STRANGE,
 Director Contaminated Sites,
 Department of Environment and Conservation

Date: 14 December 2005.

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under section 23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Albury 10.00 a.m., 13 February 2006 (3 weeks) in lieu of 13 February 2006 (2 weeks).

Dated this 13th day of December 2005.

R. O. BLANCH,
 Chief Judge

ELECTRICITY SUPPLY ACT 1995

**LAND ACQUISITION (JUST TERMS
 COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement
 Grafton Electricity Transmission Line

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in Land described in Schedule 2 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 16th day of December 2005.

CRAIG MURRAY,
 Managing Director,
 Country Energy

Level 25, 44 Market Street
 Sydney NSW 2000

SCHEDULE 1

Locality: Site of proposed easement for electricity transmission line 20 metres wide and variable width at South Grafton depicted in DP1083549

LGA: Clarence Valley

Title: Crown land in Lot 1, DP 724243

Parish: Southampton

County: Clarence

SCHEDULE 2

Easement for electricity transmission line 20 metres wide and variable width as set out in Part A of Memorandum No. AA26009 registered at Land & Property Information.

HOUSING ACT 2001

ROADS ACT 1993

Proclamation

Her Excellency Professor Marie Bashir, A.C.

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales in the Commonwealth of Australia, with the advice of the Executive Council, on the recommendation of the Minister for Housing and in pursuance of section 13 of the Roads Act 1993, do, by this my Proclamation, dedicate as public roads the land referred to in the Schedule of this Proclamation.

Signed and sealed at Sydney, this 13th day of November 2005.

By Her Excellency's Command,

CHERIE BURTON,
 Minister for Housing

GOD SAVE THE QUEEN!

SCHEDULE

The Land shown as Jeffery Place, Pioneer Road, Woodbridge Avenue, the splayed corner at the intersection of Albert and Evans Streets, and the pathway between lots 45 and 46 on the plan of land at Moruya in the Local Government area of the Shire of Eurobodalla Parish of Moruya, County of Dampier registered at Land and Property Information NSW as Deposited Plan 771497.

HOUSING ACT 2001

Notification of Compulsory Acquisition of Land

THE New South Wales Land and Housing Corporation 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 Housing Act 2001.

Dated this 5th day of December 2005.

TERRY BARNES,
Director General

SCHEDULE

The land shown as Lot 1 on the plan of land at Airds, in the Local Government Area of Campbelltown, Parish of St. Peter, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No. 1086934.

HOUSING ACT 2001

Dedication of Land as Public Reserve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34 (3) and 34 (4) of the Housing Act 2001 that the land described in the Schedule below is dedicated as Public Reserve and vested in the Eurobodalla Shire Council.

Dated this 2nd day of August 2005.

W. CARTER,
General Manager,
Resitech

SCHEDULE

The land at Moruya within the Shire of Eurobodalla and described as and being Lot 11 and Lot 51 in Deposited Plan 771497 on Jeffery Place and Pioneer Road, Moruya.

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

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 218B of the Local Government Act 1993, hereby alter the boundaries of the Area of Clarence Valley as described by Proclamation in Government Gazette No. 138 of 27 August 2004 and the Coffs Harbour City as described by Proclamation in Government Gazette No. 103 of 24 June 2004, by taking part of the Area of Coffs Harbour City described in Schedule A hereto and adding it to the Area of Clarence Valley so that the boundary of the Area of Coffs Harbour City and the boundary of the Area of Clarence Valley shall be as described in Schedules B and C hereto.

Signed and sealed at Sydney, this 30th day of November 2005.

By Her Excellency's Command,

Hon KERRY HICKEY, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Land to be Transferred

Area about 3 hectares. Being that part of Lot 131, DP 253255 in Coffs Harbour City Council.

SCHEDULE B

Area of Coffs Harbour City (as altered)

Area about 1153.90 square kilometres. Commencing at the mean low water mark of the shore of the South Pacific Ocean at a point 120 chains south-west of the mouth of Bundageree Creek: and bounded thence by a line north-westerly to the north-eastern corner of Portion 318, Parish of North Bellingen, County of Raleigh; by a line, again, north-westerly to the westernmost south-western corner of Portion 487; by the western boundary of that portion, northerly; by Pine Creek, upwards to the eastern boundary of the Parish of Timboon; by that boundary, northerly to the range forming the generally northern boundary of that parish and the Parish of Never Never; by that range, generally westerly to the source of Coopernook Creek; by that creek and Bobo Creek downwards to its confluence with the Little Nymboida River; by that river and Mole Creek, upwards to the south-eastern boundary of Portion 57, Parish of Towallum, County of Fitzroy; by that boundary and its prolongation north-easterly to Bushmans Range; by that range, south-easterly to the north-western boundary of Portion 15, Parish of Gundar; by part of that boundary and the south-western boundary of Portion 47, Parish of Bagawa, north-easterly and south-easterly to the south-eastern corner of the said Portion 47; by the south-eastern boundary of that portion and Portion 55, north-easterly to Morning Star Creek; by that creek downwards to the southern boundary of Portion 45; by a line along that boundary and the southern boundary of Portion 48, easterly to the south-eastern corner of the said portion 48; by the eastern boundary of that portion and Portion 49, the north-eastern and part of the northern boundary of Portion 50, northerly, north-westerly and westerly to the south-eastern corner of Portion 202; by the generally western boundary of Portions 51 and 53 and the generally northern boundary of the said Portion 53, generally northerly and easterly to the western boundary of Portion 15, Parish of Tallawudjah; by part of that boundary and the southernmost boundary of that portion, southerly and easterly to the south-western corner of Portion 15, Parish of Bagawa; by the western and a line along the northern boundary of that portion and Portion 4, northerly and easterly to the generally western boundary of the Parish of Orara; by part of that boundary and part of the northern boundary of that parish, generally northerly and easterly to the generally eastern boundary of Sherwood Nature Reserve, gazetted 16 December 1966; by part of that boundary, generally northerly, part of the southern boundary of Lot 9, DP 708068 and the southern boundary of Lot 10, DP 708068 and its prolongation, easterly to Sherwood Creek; by that creek, downwards to the western prolongation of the southern boundary of Lot 2, DP 834760; by that prolongation, boundary and its prolongation easterly, the generally north-western, the northern and eastern boundaries of Lot 121, DP 752849 generally north-easterly, easterly and southerly, the southern and eastern boundaries of Lot 2, DP 787962, easterly and northerly, part of the southern and the generally eastern boundaries of Lot 1416, DP 773554, easterly and generally northerly, the generally south-eastern boundary of Lot 1411, DP 736567, generally north-easterly, part of the southern, the generally eastern and north-western boundaries of Lot 131, DP 253255, easterly, generally northerly and south-westerly,

the eastern and northern boundaries of Lot 124, DP 752820, northerly and westerly, the western boundary of Lot 1360, DP 620406, northerly, the western and the generally northern boundaries of Lot 1361, DP 620406 and its prolongation, northerly and generally easterly to Dundoo Creek; by that creek, upwards to the generally south-eastern boundary of Lot 3, DP 816313; by that boundary, generally north-easterly, part of the eastern boundary of Lot 2, DP 816313, northerly, the southern boundary of Lot 9, DP 705682, easterly, the western and southern boundaries of Lot 17, DP 705682, southerly and easterly, the southern boundary of Lot 13, DP 705682, easterly, a line, easterly across the Pacific Highway, the southern and the generally eastern boundaries of Lot 11, DP 705682, easterly and generally northerly, the generally eastern and part of the generally northern boundaries of Lot 182, DP 588190, generally northerly and generally westerly, the southern prolongation of the eastern boundary of Lot 9, DP 707325, that boundary and the generally north-eastern boundary of that lot northerly and generally north-westerly, part of the generally eastern boundary of the Parish of Dundoo, County of Clarence, generally northerly, the southern and eastern boundaries of Lot 10, DP 751381, easterly and northerly, the western boundaries of Lots 15 and 16, DP 751381, northerly to the generally north-western boundary of Newfoundland State Forest No 827 gazetted 5th September 1930; by part of that boundary, generally north-easterly and the generally northern boundary of Barcoongere State Forest No 826 gazetted 5th September 1930, generally easterly to the range forming the generally northern watershed of Saltwater and Station Creeks; by that range, generally northerly, generally easterly, and generally south-easterly to the western boundary of Lot 13, DP 751381; by part of that boundary, the southern boundary of that lot and its prolongation, southerly and easterly to, again, the range forming the generally northern watershed of Saltwater and Station Creeks; by that range, generally south-easterly to the mean low water mark of the shore of the South Pacific Ocean, aforesaid and by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally southerly to the point of commencement.

SCHEDULE C

Area of Clarence Valley Council

Area about 10075.65 square kilometres: Commencing at the junction of Coombadjha Creek and the northern boundary of the Parish of Albert, County of Drake: and bounded thence by that boundary westerly to Gibraltar Range; by that range generally northerly to the source of Grasstree Creek; by that creek downwards to the generally eastern boundary of the Parish of Hong Kong; by part of that boundary generally northerly to the southern boundary of Portion 34; by part of that boundary westerly and the south-western and part of the generally north-western boundaries of that portion north-westerly and generally north-easterly to the southern prolongation of the generally western boundary of Portion 90, Parish of Hamilton; by that prolongation and boundary generally northerly and the southern boundary of that portion and its prolongation westerly to Timbarra River; by that river downwards to the generally northern boundary of the Parish of Hamilton; by that boundary generally easterly and the eastern prolongation of the northern boundary of Portion 54 easterly to a point north of Mount Pickapene; by a line southerly to that mount; by the range forming the northern

watershed of Surveyors Creek and Keembin Creek generally easterly and Richmond Range generally south-easterly, generally easterly to the western boundary of Lot 41, DP 755615; by that lot boundary, the western boundaries of Lots 38 and 44, DP 755615, northerly, the western, northern and part of the eastern boundaries of Lot 37, DP 755615, northerly, easterly and southerly, the northern boundaries of Lots 14 and 15, DP 755615, easterly, the western boundaries of Lots 17 and 19, DP 755615, northerly, part of the southern and the western boundaries of Lot 21, DP 755615, westerly and northerly, the southern boundary of Lot 34, DP 755615, westerly, the southern and western boundaries of Lot 35, DP 755615, westerly and northerly, the western, northern and eastern boundaries of Lot 30, DP 755615, northerly, easterly and southerly, to the northern side of the reserved road running through Lot 53, DP 755615; by that road, easterly to the eastern boundary of that lot; by part of that boundary, southerly and part of the northern boundary of Lot 10, DP 755629, easterly to the Richmond Range, aforesaid; by that range, generally northerly to the western prolongation of the southern boundary of Lot 3, DP 836748; by that prolongation, boundary and the southern boundaries of Lot 4, DP 836748 and Lots 2 and 1, DP 716637, easterly, part of a generally western boundary of Lot 18, DP 755667 and its prolongation, generally northerly, the generally southern boundaries of Lot 1, DP 796807, Lot 1, DP 740167, Lot 19, DP 755629 and part of the southern boundary of Lot 28, DP 755629, generally easterly to road running through the last lot; by the generally north-western side of that road and the generally north-western side of the road running through Lot 12, DP 755613, generally north-easterly to the northern boundary of the last lot; by that boundary easterly to the north-eastern corner of that lot; by a line south-easterly to the mean low water mark of the shore of the South Pacific Ocean; by that mean low water mark, (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally southerly to the range forming the generally northern watershed of Station and Saltwater Creeks; by that range, generally north-westerly to the eastern prolongation of the southern boundary of Lot 13, DP 751381; by that prolongation, boundary and part of the western boundary of that lot, westerly and northerly to, again the range forming the generally northern watershed of Saltwater and Station Creeks; by that range, generally north-westerly, generally westerly and generally southerly to the generally northern boundary of Barcoongere State Forest No 826, gazetted 5th September, 1930; by that boundary, generally westerly and the generally north-western boundary of Newfoundland State Forest No. 827, gazetted 5th September, 1930, generally south-westerly to the western boundaries of Lots 16 and 15, DP 751381; by those boundaries, southerly, the eastern and southern boundaries of Lot 10, DP 751381, southerly and westerly, part of the generally eastern boundary of the Parish of Dundoo, County of Clarence, generally southerly, the generally north-eastern and eastern boundaries of Lot 9, DP 707325 and its prolongation, generally south easterly and southerly, part of the generally northern and the generally eastern boundaries of Lot 182, DP 588190, generally easterly and generally southerly, the generally eastern and southern boundaries of Lot 11, DP 705682, generally southerly and westerly, a line, westerly across the Pacific Highway, the southern boundary of Lot 13, DP 705682, westerly, the southern and western boundaries of Lot 17, DP 705682, westerly and northerly, the southern boundary of Lot 9, DP 705682, westerly, part

of the eastern boundary of Lot 2, DP 816313, southerly and the generally south-eastern boundary of Lot 3, DP 816313, generally south-westerly to Dundoo Creek; by that creek, downwards to the eastern prolongation of the generally northern boundary of Lot 1361, DP 620406; by that prolongation, boundary and the western boundary of that lot, generally westerly and southerly, the western boundary of Lot 1360, DP 620406, southerly, the northern and eastern boundaries of Lot 124, DP 752820, easterly and southerly, the north-western, generally eastern and part of the southern boundaries of Lot 131, DP 253255, north-easterly, generally southerly and westerly, the north-western side of the reserved road, running through the previous lot, south-westerly, the generally south-eastern boundary of Lot 1411, DP 736567, generally south-westerly, the generally eastern and part of the southern boundaries of Lot 1416, DP 773554, generally southerly and westerly, the eastern and southern boundaries of Lot 2, DP 787962, southerly and westerly, the eastern, northern and generally north-western boundaries of Lot 121, DP 752849, northerly, westerly and generally south-westerly and the eastern prolongation of the southern boundary of Lot 2, DP 834760, boundary and its prolongation westerly to Sherwood Creek; by that creek, upwards to the eastern prolongation of the southern boundary of Lot 10, DP 708068; by that prolongation, boundary and part of the southern boundary of Lot 9, DP 708068, westerly to the generally eastern boundary of Sherwood Nature Reserve, gazetted 16th December, 1966; by part of that boundary, generally southerly to the generally southern boundary of the Parish of Waihou, County of Fitzroy; by part of that boundary, westerly to the Orara River; by that river, upwards to the generally northern boundary of the Parish of Bagawa; by part of that boundary, generally westerly, the generally western boundary of Portion 53 and the westernmost generally western boundary of Portion 51, generally southerly, the northern and north-eastern boundaries of Portion 50, easterly and south-easterly, the eastern boundaries of Portions 49 and 48, southerly, the southern boundary of the last mentioned portion, a line and part of the southern boundary of Portion 45, westerly to Averys Creek; by that creek upwards to the north-eastern prolongation of the south-eastern boundary of Portion 55; by that prolongation and boundary, south-westerly, the south-eastern and the generally south-western boundaries of Portion 47, south-westerly and generally north-westerly and part of the north-western boundary of Portion 15, Parish of Gundar, south-westerly to Bushmans Range; by that range generally north-westerly to the north-eastern prolongation of the south-eastern boundary of Portion 57, Parish of Towallum; by that prolongation, boundary and its prolongation south-westerly to Mole Creek; by that creek and Little Nymboida downwards and Bobo River upwards to the generally southern boundary of the Parish of Bobo; by that boundary generally westerly to Nymboida River; by that river upwards to the generally north-western boundary of Portion 22, Parish of Meldrum Downs; by part of that boundary and the western boundary of that portion generally south-westerly and southerly and part of the northern and the generally south-eastern boundary of Portion 47, Parish of Allans Waters easterly and generally south-westerly to the generally southern boundary of the County of Fitzroy; by part of that boundary generally south-westerly to the range partly forming the generally north-eastern boundary of the Parish of Lookout, County of Clark; by that range generally north-westerly to the road from Armidale to Grafton; by that road north-easterly to the eastern prolongation of the generally northern boundary of Portion 26, Parish of Guy Fawkes, County of Clarke; by that prolongation and boundary westerly, northerly and generally

westerly, part of the eastern boundary of Portion 24, a line, and the eastern and northern boundaries of Portion 47 northerly and westerly, part of the north-eastern boundary of Portion 43 north-westerly, the generally eastern and northernmost northern boundaries of Portion 39 generally northerly and westerly, part of the generally eastern and northernmost northern boundaries of Portion 36 generally northerly and westerly and part of the eastern boundary of Portion 35, the eastern boundary of Portion 37 and the generally eastern boundaries of Portions 38 and 49 and its prolongation generally northerly to Pantons Creek; by that creek, Guy Fawkes River and Boyd River downwards and Razorback Creek and Prairie Gully upwards to the generally northern boundary of Portion 10, Parish of Glen Nevis, County of Gresham; by part of that boundary generally westerly to the generally southern boundary of the Parish of Henry at London Bridge; by part of that boundary generally westerly to Roger Creek; by that creek, Henry River and Mann River downwards to the western boundary of the Parish of Puhoi, County of Drake; by that boundary northerly to Dandahra Creek; by that creek downwards to the generally western boundary of the Parish of Coombadjha; by that boundary generally northerly to Coombadjha Creek, aforesaid, and by that creek downwards to the point of commencement.

LOCAL GOVERNMENT ACT 1993

North Batemans Bay Sewerage 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 land and easements described in the Schedule hereto, which were acquired for the purpose of the North Batemans Bay Sewerage Scheme are vested in Eurobodalla Shire Council.

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

SCHEDULE

Land

Lot 30 in Deposited Plan 1050692, Lot 1 in Deposited Plan 872711

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 872711 (SB52201) as:

‘PROPOSED EASEMENT VARIABLE WIDTH FOR ACCESS SEWERAGE PIPELINE AND U/G POWER’

Deposited Plan 1050692 (SB55397) as:

‘(A) PROPOSED EASEMENT FOR SEWER PIPELINE, ACCESS AND UNDERGROUND ELECTRICITY VARIABLE WIDTH’

Easement rights as described under the heading Access in Memorandum E780099 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 872711 (SB52201) as:

‘PROPOSED EASEMENT VARIABLE WIDTH FOR ACCESS SEWERAGE PIPELINE AND U/G POWER’

Deposited Plan 1050692 (SB55397) as:
 ‘(A) PROPOSED EASEMENT FOR SEWER PIPELINE,
 ACCESS AND UNDERGROUND ELECTRICITY
 VARIABLE WIDTH’

Easement rights as described under the heading Electricity
 Cables (Beneath the Surface) in Memorandum E780099 filed
 in the Office of Land and Property Information NSW over
 the site shown in:

Deposited Plan 872711 (SB52201) as:
 ‘PROPOSED EASEMENT VARIABLE WIDTH FOR
 ACCESS SEWERAGE PIPELINE AND U/G POWER’

Deposited Plan 1050692 (SB55397) as:
 ‘(A) PROPOSED EASEMENT FOR SEWER PIPELINE,
 ACCESS AND UNDERGROUND ELECTRICITY
 VARIABLE WIDTH’

DoC Reference 289

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain
 Navigable Waters – Maritime Services Act 1935

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

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

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

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
<p>Myall River (Tea Gardens – Witt’s Island) Area: The navigable waters of that part of the Myall River between lines directly across the waterway firstly commencing at the Singing Bridge thence 1.4 kilometres upstream adjacent to the northern extremity of Witt’s Island.</p>	<i>Four Knots</i>
<p>Myall River (Dredge Island) Area: The navigable waters of that part of the Myall River commencing approximately 2.3 kilometres upstream from the Singing Bridge and lying to the west of Dredge Island between lines directly across the waterway firstly in the south from the southern extremity of that Island in a westerly direction to the opposite shore and secondly in the north 500 metres further upstream from the northern extremity of that Island in a westerly direction to the opposite shore.</p>	<i>Four Knots</i>

<p>Myall River (Monkey Jacket) Area: The navigable waters of that part of the Myall River commencing approximately 3.8 kilometres upstream from the Singing Bridge between lines directly across the waterway extending to a line 400 metres further upstream.</p>	<i>Four Knots</i>
<p>Myall River (Zeiningers) Area: The navigable waters of that part of the Myall River commencing approximately 5 kilometres upstream from the Singing Bridge and lying to the east and north of an unnamed Island adjacent the area known as Myall River Camp extending to a line 1 kilometre further upstream in a northerly direction across the waterway.</p>	<i>Four Knots</i>
<p>Myall River (The Pines) Area: The navigable waters of that part of the Myall River commencing approximately 7.1 kilometres upstream from the Singing Bridge between lines directly across the waterway extending to a line 400 metres further upstream.</p>	<i>Four Knots</i>
<p>Myall River (Kangaroo Island South) Area: The navigable waters of that part of the Myall River commencing approximately 7.9 kilometres upstream from the Singing Bridge lying to the south west of Kangaroo Island between lines firstly in the south commencing from the south western extremity of that Island in a generally northerly direction to the opposite shore and secondly in the north to a line across the waterway 400 metres further upstream.</p>	<i>Four Knots</i>
<p>Myall River (Kangaroo Island North) Area: The navigable waters of that part of the Myall River commencing approximately 8.8 kilometres upstream from the Singing Bridge between lines directly across the waterway extending 1 kilometre further upstream from a point on the northern shore of Kangaroo Island at its junction with Pipers Creek in a northerly direction to the opposite shore.</p>	<i>Four Knots</i>

<p>Myall River (Rooke Island) Area: The navigable waters of that part of the Myall River commencing approximately 14.5 kilometres upstream from the Singing Bridge lying generally to the west and north west of Rooke Island between lines directly across the waterway firstly in the south commencing from a point on the shore approximately 300 metres south west of that Island in a generally southerly direction to the opposite shore and secondly in the north commencing from a point on the shore at the locality known as Dark Corner approximately 1.1 kilometres further upstream in an easterly direction to the opposite shore.</p>	<i>Four Knots</i>
<p>Myall River (Brasswater) Area: The navigable waters of that part of the Myall River commencing approximately 19.2 kilometres upstream from the Singing Bridge lying between lines directly across the waterway generally to the north of an unnamed island at the north eastern section of the area known as the Brasswater and extending 400 metres further upstream.</p>	<i>Four Knots</i>
<p>Myall River (Little Brasswater) Area: The navigable waters of that part of the Myall River commencing approximately 21.1 kilometres upstream from the Singing Bridge lying between lines directly across the waterway extending 800 metres further upstream.</p>	<i>Four Knots</i>

Dated this 12th day of December 2005.

CHRIS OXENBOULD, A.O.,
Chief Executive

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain Navigable Waters – Maritime Services Act 1935

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

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

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

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
<p>Tuggerah Lakes (Ourimbah Creek) Area: The navigable waters of the whole of Ourimbah Creek upstream from its entrance to Tuggerah Lake.</p>	<i>Four Knots</i>

Dated this 12th day of December 2005.

CHRIS OXENBOULD, A.O.,
Chief Executive

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain Navigable Waters – Maritime Services Act 1935

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

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

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

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
<p>Tuggerah Lakes (Wyang River Downstream) Area: The navigable waters of that part of the Wyong River extending from its entrance to Tuggerah Lake to a line directly across the waterway approximately 2.5 kilometres upstream.</p>	<i>Eight Knots</i>
<p>Tuggerah Lakes (Wyang River Upstream) Area: The navigable waters of that part of the Wyong River extending upstream from a line directly across the waterway 2.5 kilometres upstream from its entrance to Tuggerah Lake.</p>	<i>Four Knots</i>

Dated this 12th day of December 2005.

CHRIS OXENBOULD, A.O.,
Chief Executive

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain Navigable Waters – Maritime Services Act 1935

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

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

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

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
<p>Lake Macquarie (Swansea Channel – Pelican) Area:</p> <p>The navigable waters of that part of the Swansea Channel at Pelican enclosed between lines commencing at a point on the eastern shore adjacent to the north side of the Boat Launching Ramp at the end of Naru Street Pelican in a westerly direction for one hundred and fifty (150) metres thence in a southerly direction for five hundred (500) metres thence in a generally south easterly direction to a point on the same eastern shore at the western extremity of an unnamed point and approximately two hundred and fifty (250) metres south of the Lakeview Parade Boat Launching Ramp.</p>	<p><i>Four Knots</i></p>

Dated this 12th day of December 2005.

CHRIS OXENBOULD, A.O.,
Chief Executive

NATIONAL PARKS AND WILDLIFE ACT 1974Copperhannia Nature Reserve
Wambool Nature Reserve
Plans of Management

DRAFT plans of management for Copperhannia and Wambool Nature Reserves have been prepared and are on exhibition until 27 March 2006.

Copies of the plans are available free of charge from the NPWS office at Level 2, 203-209 Russell Street, Bathurst (phone 6332 9488). The plans are also on the NPWS website: www.nationalparks.nsw.gov.au.

Written submissions on these plans must be received by The Ranger, NPWS, Level 2, 203-209 Russell Street, Bathurst NSW 2795 by 27 March 2006.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these draft plans may contain information that is defined as “personal information” under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

NATIONAL PARKS AND WILDLIFE ACT 1974Gundabooka National Park and State Conservation Area
Five Islands Nature Reserve
Berkeley Nature Reserve
Plans of Management

A plan of management for Gundabooka National Park and Gundabooka State Conservation Area was adopted by the Minister for the Environment on 28 October 2005. A plan of management for Five Islands Nature Reserve was adopted by the Minister on 28 October 2005. A plan of management for Berkeley Nature Reserve was adopted by the Minister on 26 July 2005.

Copies of the Gundabooka plan may be obtained from the NPWS office at 51 Oxley Street, Bourke NSW 2840 (phone 6872 2744). Copies of the Five Islands and Berkeley plans may be obtained from the NPWS office at 4/55 Kembla Street, Wollongong NSW 2520 (phone 4225 1455). The cost of the plans is \$8.50 each.

The plans are also available on the NPWS web site: www.nationalparks.nsw.gov.au.

Office of the Minister for Police
Sydney, 6 June 2005

MURDER**ONE HUNDRED THOUSAND DOLLARS (\$100,000)
REWARD**

On the 11 August 2002, the body of David BRECKENRIDGE, aged 28 years, was located at Berry Lane, St Leonards. David died as a result of massive internal bleeding inflicted by a knife or similar instrument.

Notice is hereby given that a reward of up to one hundred thousand dollars (\$100,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of David BRECKENRIDGE.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000
or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, March 2005

MURDER

**ONE HUNDRED THOUSAND DOLLARS (\$100,000)
REWARD**

On the 17 May 1988, Russell James LAWRENCE, aged 35 years, was found murdered on a property at Verges Creek via Kempsey. Death was caused by a shotgun wound to the head.

Notice is hereby given that a reward of up to one hundred thousand dollars (\$100,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of Russell James LAWRENCE.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, August 2005

MURDER

**ONE HUNDRED THOUSAND DOLLARS (\$100,000)
REWARD**

On the 3 August 2001 Ian Charles DRAPER, aged 37 years, was last seen leaving his place of work at Mount Pritchard Community Club, Mount Pritchard driving his 1992 white Ford Falcon.

Notice is hereby given that a reward of up to one hundred thousand dollars (\$100,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of Ian Charles DRAPER.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, March 2005

MURDER

**ONE HUNDRED THOUSAND DOLLARS (\$100,000)
REWARD**

On the 19 October 1990, Ludwig GERTSCH, aged 43 years, was last seen alive leaving his Paddington residence on route to Ashfield. On 11 November 1990, GERTSCH's body was located at Winnalee in the Blue Mountains. Death was caused by strangulation.

Notice is hereby given that a reward of up to one hundred thousand dollars (\$100,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of Ludwig GERTSCH.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, 15 March 2005

MURDER

**TWO HUNDRED AND FIFTY THOUSAND
DOLLARS (\$250,000) REWARD**

On the 16 March 2000, the bodies of Barbara Anne BROOKS, aged 34 years, and her son, Stacey WILLOUGHBY, aged 13 years, were located in a yellow coloured Ford XF sedan near Plantation Road, Mathoura in the Millewa State Forest. On the 20 March 2000, the body of Steven Leslie BROOKS, aged 38 years, was located in bushland 500 metres from his wife and stepson. All three persons had been shot to the head with a .22 calibre firearm.

Notice is hereby given that a reward of up to two hundred and fifty thousand dollars (\$250,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the deaths of Steven Leslie BROOKS, Barbara Anne BROOKS and Stacey WILLOUGHBY.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, 2 September 2005

MURDER

**TWO HUNDRED THOUSAND DOLLARS (\$200,000)
REWARD**

On or about the 14 June 1993 Anthony PERISH, aged 91 years, and Frances PERISH, aged 93 years, were murdered at their Leppington home. Both died as a result of a single gunshot wound.

Notice is hereby given that a reward of up to two hundred thousand dollars (\$200,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of Anthony and Frances PERISH.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Office of the Minister for Police
Sydney, 15 June 2005

MURDER

**ONE HUNDRED THOUSAND DOLLARS (\$100,000)
REWARD**

On the 29 June 2003, the body of Theresa Beatrice BINGE, aged 43 years, was found in New South Wales, approximately 10 kilometres south of Goondiwindi on the Boomi Road. Theresa was last seen alive about midnight on Thursday 17 June 2003, leaving the Victoria Hotel, Goondiwindi (Queensland).

Notice is hereby given that a reward of up to one hundred thousand dollars (\$100,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the death of Theresa Beatrice BINGE, if it is established that such death occurred in New South Wales.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone –

Police Headquarters on (02) 9281 0000

or Crime Stoppers on 1800 333 000

THE HON. (CARL) PATRICK CARL SCULLY, M.P.,
Minister for Police

Department of Health, New South Wales
Sydney, 8 December 2005

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171 (1), Poisons and Therapeutic
Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Mr CRAIG ANDREW MOORE of 22 Berkeley Street, Stroud NSW 2425, prohibiting him until further notice, as a person employed by the Ambulance Service of New South Wales as an ambulance officer or as an air ambulance flight nurse and who is approved for the time being by the Ambulance Service of New South Wales for the purposes of clause 101 of the Regulation, from having possession of and supplying drugs of addiction as authorised by clause 101 of the Regulation.

This order is to take effect on and from 16 December 2005.

ROBYN KRUK,
Director-General

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under section 17B

PURSUANT to section 17B of the Poisons and Therapeutic Goods Act 1966 the Optometrists Drug Authority Committee by this order approves the use of poisons and restricted substances by optometrists in the practice of optometry as follows:

Different Classes of Drug Authority

- 1.1 There shall be a single class of Optometrists Drug Authority, allowing the holder to use the listed poisons and restricted substances in the practice of optometry.
- 1.2 The Optometrists Registration Board will issue holders of an Authority with a unique Authority number.

The poisons and restricted substances that are to be covered by the different classes of drug authority

- 2.1 Registered optometrists granted an Optometrists Drug Authority will be permitted to issue prescriptions for ocular treatment only.
- 2.2 Registered optometrists granted an Optometrists Drug Authority will be permitted to use the topical ophthalmic therapeutic preparations specified in Attachment 1.

The competency standards for an optometrist in order to be granted a particular class of drug authority

- 3.1 That the OAA [Optometrists Association of Australia]/ TOCANZ [The Optometry Council of Australia and New Zealand] therapeutic competencies be used as the standard which applicants must achieve in order to be granted an Optometrists Drug Authority.

The criteria to ascertain whether an optometrist meets those competency standards

- 4.1 The criteria used to ascertain whether an optometrist meets the specified competency standards should be addressed by a Board recognised examination conducted by a suitable tertiary institution, in a course or program with a curriculum which addresses the adopted competencies.

The maximum period for which a drug authority may be granted

- 5.1 An Optometrists Drug Authority should be issued for a maximum period of three years.
- 5.2 Renewal of the Authority for a further three years will be conditional on the applicant having completed a minimum of six hours approved continuing professional education addressing the use of therapeutic drugs in the practice of optometry.
- 5.3 The requirement for continuing professional education for optometrists granted an Optometrists Drug Authority should be included in the Optometrists Code of Professional Conduct.

The ocular conditions that an optometrist is authorised to treat

- 6.1 That an optometrist granted an Optometrists Drug Authority will be permitted to use topical preparations in the following situations:
 - Dry eye and related conditions;
 - Anti-infective prophylaxis after foreign body removal;
 - As an adjunct to co-management of surgical cases with an attending ophthalmic surgeon;
 - For non-vision threatening inflammatory diseases of the anterior segment;
 - Infectious and inflammatory disease of the anterior eye, with the exception of uveitis and herpetic conditions.
- 6.2 That a shared care model for the treatment of glaucoma be developed by the Optometrists Registration Board, the Royal Australian and New Zealand College of Ophthalmologists and the School of Optometry and Vision Science, University of New South Wales.

ATTACHMENT 1

List of Approved Registered Restricted Drugs for Topical Use as at 20 July 2005

GROUP 1

Topical ocular anti-infective agents (anti-bacterial, anti-viral)

Chloramphenicol
Framycetin
Gramicidin
Neomycin
Polymixin
Tetracycline

GROUP 2

Topical ocular anti-allergy agents (anti-histamine, mast cell stabilisers)

Cromoglycate
Ketotifen
Levocabastine
Lodoxamide
Olopatadine

GROUP 3

Topical non-steroidal anti-inflammatory agents (NSAIDS)

Diclofenac
Flurbiprofen
Ketorolac

GROUP 4

Topical ocular steroid preparations

Fluorometholone
Hydrocortisone

GROUP 5

Topical glaucoma preparations*

Apraclonidine*
Betaxolol*
Bimatoprost*
Brimonidine*
Brinzolamide*
Carbachol*
Dipivefrine*
Dorzolamide*
Latanoprost*
Levobunolol*
Pilocarpine*
Timolol*
Travoprost*

[*These agents may only be used following the development of a shared care model by the Optometrists Registration Board, Australian and New Zealand College of Ophthalmologists and the School of Vision Science, University of New South Wales.]

GROUP 6

Mydriatics and cycloplegics

Atropine
Cyclopentolate
Homatropine
Phenylephrine
Tropicamide

GROUP 7

Local anaesthetics

Amethocaine
Oxybuprocaine
Proxymetacaine

Dr DENISE ROBINSON,
Chief Health Officer,
Chair of the Optometrists Drug Authority Committee

PUBLIC WORKS ACT 1912

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Compulsory Acquisition

Mudgee Water Supply Augmentation W591

THE Minister for Utilities, with the approval of Her Excellency the Governor, declares that the land and interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette* the land and interest in land is vested in the Minister for Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

CARL SCULLY, M.P.,
Minister for Utilities

SCHEDULE

Land

Lot 1 in Deposited Plan 1059983, Lot 2 in Deposited Plan 1059983

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1059983 (SB55398) as:

‘(C) PROPOSED EASEMENT FOR SEWER AND WATER PIPELINE VAR WIDTH’

‘(D) PROPOSED EASEMENT FOR WATER PIPELINE 5 WIDE’

‘(E) PROPOSED EASEMENT FOR WATER PIPELINE 5 WIDE’

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 1059983 (SB55398) as:

‘(C) PROPOSED EASEMENT FOR SEWER AND WATER PIPELINE VAR. WIDTH’

Easement rights as described under the heading Access in Memorandum E780099 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1059983 (SB55398) as:

‘(F) PROPOSED EASEMENT FOR ACCESS VAR. WIDTH’

Easement rights as described under the heading Electricity Cables (Beneath the Surface) in Memorandum E780099 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1054877 (SB55300) as:

‘(E) PROPOSED EASEMENT FOR UNDERGROUND ELECTRICITY CABLES VARIABLE WIDTH’

DoC Reference 280

RACING ADMINISTRATION ACT 1998

Order

Sports Betting

I, Grant Anthony McBride, Minister for Gaming and Racing, in pursuance of section 18 of the Racing Administration Act 1998, hereby amend the Schedule of Sports Betting Events and Approved Forms of Betting published in the *Government Gazette* of 3 January 2003 (as amended), by including the following:

(i) Schedule of Sports Betting Events:

<i>Sport</i>	<i>Sporting Events or Classes of Sporting Events</i>
Darts	Sanctioned Competitions by the Professional Darts Corporation. Sanctioned Competitions by the British Darts Organisation. Sanctioned Competitions by the World Darts Federation.

Snooker	Sanctioned Tournaments by the World Professional Billiards and Snooker Association. Sanctioned Tournaments by the Australian Billiards and Snooker Council.
Motor Racing	World A1 Grand Prix Championship Races and Series.
Boxing	Sanctioned World Title Fights by International Boxing Organisation. Sanctioned World Title Fights by World Boxing Federation. Sanctioned World Title Elimination Fights by IBO and WBF.

(ii) Schedule of Approved Forms of Betting:

<i>Sport</i>	<i>Approved Forms of Betting</i>
Darts	Winner/Placegetter in stage/event/series/tournament or competition. Favourite Out Betting. Head to Head. Best of a Select (Group Betting) Individual Performance.
Snooker	Winner/Placegetter in stage/event/series/tournament or competition. Favourite Out Betting. Head to Head. Best of a Select (Group Betting) Individual Performance.

Dated at Sydney this 30th day of November 2005.

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

ROADS ACT 1993

PROCLAMATION

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the powers vested in me under section 13 of the Roads Act 1993, do, on the recommendation of the Minister for the Environment, by this my Proclamation, dedicate the land described in the Schedule below as a public road.

Signed and sealed at Sydney, this 2nd day of November, 2005.

MARIE BASHIR,
Governor

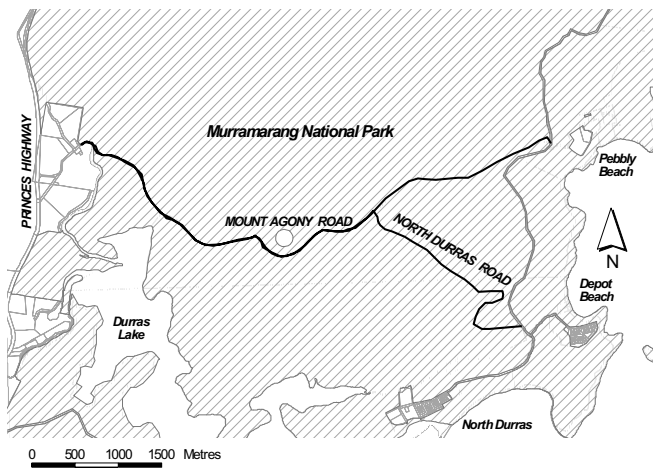
By Her Excellency's Command

BOB DEBUS,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

County of St Vincent, Parish of Kioloa, City of Shoalhaven, being the roads named as Mount Agony Road and North Durras Road as shown by heavy black lines in the following diagram; NPWS/05/01622.



Notes: All roads described in this diagram are 10 metres wide (ie 5m either side of the centreline offormation) and are subject to survey.

Any section of road not vested in the Minister administering the National Parks and Wildlife Act 1974 (NPW Act) for the purposes of Part 11 of the NPW Act is not subject to this proclamation.

TOTALIZATOR ACT 1997

Notice of Approval

Fixed Odds Group Race Betting by TAB Limited

I, Grant Anthony McBride, Minister for Gaming and Racing, hereby give my approval, in accordance with section 13 of the Totalizator Act 1997, to TAB Limited conducting fixed odds “futures” win and place betting and multiples betting up until 30 minutes prior to the advertised start time of the first race of the race meeting at which the relevant fixed odds betting race (or first leg of a multiples bet) is to be conducted, in both cases being restricted to:

- Australian group 1, 2, and 3 status thoroughbred racing, harness racing and greyhound racing events;
- “Listed” status Sydney and Melbourne metropolitan thoroughbred racing events;
- Major group status (or equivalent) thoroughbred racing, harness racing and greyhound racing events held outside of Australia. Subject to the written approval of the NSW controlling body of the relevant code of racing and Ministerial approval; and
- 2 year old and 3 year old Magic Millions races held at the Gold Coast racecourse.

This Notice of Approval takes effect from the date of publication in the New South Wales Government Gazette and supersedes the Notice published in the Gazette on 1 August 2004.

Dated at Sydney this 13th day of December 2005

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

Determination No 10, 2005

**Section 11
Independent Pricing and Regulatory Tribunal Act 1992**

Sydney Ferries

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No: 05/45

1. Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* provides the Tribunal with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in schedule 1 of the IPART Act.
- (2) Sydney Ferries (**Sydney Ferries**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of Sydney Ferries declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998* (**Order**) are regular passenger services (within the meaning of the *Passenger Transport Act 1990*) excluding the services supplied in accordance with the ticket known as the "SydneyPass". Accordingly, the Tribunal may determine the prices for Sydney Ferries' Monopoly Services.

[Note: The Order applies to Sydney Ferries by operation of clause 135, Schedule 7 of the *Transport Administration Act 1988*]

- (3) In investigating and reporting on the pricing of Sydney Ferries' Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (4) In accordance with section 13A of the IPART Act, the Tribunal has fixed a maximum price for Sydney Ferries' Monopoly Services or has established a methodology for fixing the maximum price.
- (5) By section 18(2) of the IPART Act, Sydney Ferries may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (1) This determination fixes the maximum prices (or sets a methodology for fixing the maximum prices) that Sydney Ferries may charge for the Monopoly Services.
- (2) This determination commences on the later of 18 December 2005 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices for the tickets:
 - (a) in table 1 of this determination apply from the Commencement Date to the date that this determination is replaced; and
 - (b) in table 2 of this determination apply from 3 January 2006 to the date that this determination is replaced.

3. Replacement of Determination No. 3 of 2004

This determination replaces Determination No. 3 of 2004 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 3 of 2004 prior to its replacement.

4. Monitoring

The Tribunal may monitor the performance of Sydney Ferries for the purposes of:

- (a) establishing and reporting on the level of compliance by Sydney Ferries with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by Sydney Ferries.

5. Schedule

Schedule 1 and the Tables in that schedule set out the maximum prices that Sydney Ferries may charge for the Monopoly Services.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 2.

Schedule 1

Maximum prices

1. Application

This schedule sets the maximum prices that Sydney Ferries may charge for Monopoly Services.

2. Maximum prices

The maximum prices that may be charged by Sydney Ferries for:

- (a) a ticket listed in column 1 of Table 1 are the corresponding prices shown in columns 2 and 3 of Table 1; and
- (b) a ticket listed in column 1 of Table 2 are the corresponding prices shown in columns 2 and 3 of Table 2.

Tables 1 and 2

Table 1

Maximum prices for Single and FerryTen tickets

Tickets	Maximum prices	
	Adult (\$)	Concession (\$)
Single		
Inner Harbour Zone 1	5.00	2.50
Inner Harbour Zone 2	5.30	2.60
Manly / Rydalmere	6.20	3.10
Parramatta	7.50	3.70
Manly JetCat	7.90	
FerryTen		
Inner Harbour Zone 1	32.50	16.20
Inner Harbour Zone 2	34.50	17.20
Manly / Rydalmere	46.60	23.30
Parramatta	52.60	26.30
Manly JetCat	65.70	

[Note: all half fare concessions have been rounded down to the nearest 10 cents.]

Table 2

Maximum prices for TravelPass and DayTripper tickets

Tickets	Maximum prices	
	Adult (\$)	Concession (\$)
TravelPass		
Weekly Blue	30.00	15.00
Weekly Green	41.00	20.50
Weekly Orange	37.00	18.50
Weekly Pink	48.00	24.00
Weekly Pittwater	51.00	25.50
Weekly Purple	55.00	27.50
Weekly Red	32.00	16.00
Weekly Yellow	45.00	22.50
DayTripper		
	15.00	7.50

[Note: all half fare concessions have been rounded down to the nearest 10 cents.]

Schedule 2

Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Commencement Date means the Commencement Date as defined in clause 2(2) of section 1 (**Background**) of this determination.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Monopoly Services means the Monopoly Services defined in clause 1(2) of section 1 (**Background**) of this determination.

Sydney Ferries means Sydney Ferries defined in clause 1(2) of section 1 (**Background**) of this determination, constituted under the *Transport Administration Act 1988*.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute; and
- (e) a reference to a person includes any company, partnership, joint venture, association, corporation, other body corporate or government agency.

2.2 Explanatory notes

Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.

2.3 Prices inclusive of GST

Prices specified in this determination include GST.

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

Erratum

THE Protection of the Environment Operations (Waste) Regulation 2005 notices published in the Government Gazette No 154 on 9 December 2005 pages 10361 to 10406 contained conversion errors at printing stage. This erratum now amends that error with the gazettal date remaining 9 December 2005 and the notices republished in full.

Protection of the Environment Operations (Waste) Regulation 2005**The ash from burning uncontaminated wood, timber, forestry residues or paper exemption 2005****Name**

1. This exemption is to be known as 'The ash from burning uncontaminated wood, timber, forestry residues or paper exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of fly ash and bottom ash from any furnace is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Ash from burning uncontaminated wood, timber, forestry residues or paper may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers and suppliers.

Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, ash from burning uncontaminated wood, timber, forestry residues or paper to land. The consumer will generally be the landholder responsible for the land to which the ash is applied.
- **In-ash** means the ash from burning uncontaminated wood, timber, forestry residues or paper prior to blending, mixing or otherwise processing.
- **Processor** means a person who mixes, blends or otherwise incorporates the ash from uncontaminated wood, timber, forestry residues or paper into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, ash from uncontaminated wood, timber, forestry residues or paper to a party processing

these substances or applying these substances to land. The supplier will generally be the generator of the ash from uncontaminated wood, timber, forestry residues or paper.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste must not be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to ash from burning uncontaminated wood, timber, forestry residues or paper.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of ash from burning uncontaminated wood, timber, forestry residues or paper where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

Table 2

Column 1 Contaminant	Column 2 Maximum concentration
Boron (mg/kg)	60
Electrical conductivity EC _{se} (dS/m)	4
Arsenic (mg/kg)	20
Copper (mg/kg)	100
Chromium _(total) (mg/kg)	100
Lead (mg/kg)	100

Test methods

10.1 Test methods for measuring boron concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:

- 10.1.1 Analysis using the hot water soluble method for boron, Wear J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pages 1062–3, American Society of Agronomists, Madison, Wisconsin.
- 10.1.2 Reporting as mg/kg dry weight.

10.2 Test methods for measuring arsenic, chromium, copper and lead concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:

- 10.2.1 Sample preparation by digesting ash using USEPA 3051 or equivalent.
- 10.2.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
- 10.2.3 Reporting as mg/kg dry weight.

10.3 Test methods for measuring electrical conductivity concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:

- 10.3.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
- 10.3.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at: www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
- 10.3.3 Report as 'electrical conductivity' in deciSeimens per metre (dS/m).

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 Chemical characterisation

- 11.1.1 Suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper must, initially, fully chemically characterise their ash from burning uncontaminated wood, timber, forestry residues or paper.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their ash from burning uncontaminated wood, timber, forestry residues or paper at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the ash from burning uncontaminated wood, timber, forestry residues or paper, initial characterisation of the ash from burning uncontaminated wood, timber, forestry residues or paper must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1, 10.2 and 10.3.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

11.2 Maximum allowable contaminant concentrations

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

11.3 Information to be provided to processor

- 11.3.1 Suppliers who provide ash from burning uncontaminated wood, timber, forestry residues or paper to a processor must provide a written statement of compliance to the processor with each transaction of ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide ash from burning uncontaminated wood, timber, forestry residues or paper to processors must provide the processor with a copy of this exemption and the MSDS.

11.4 Information to be provided to consumer

- 11.4.1 Suppliers who cause or permit the provision of ash from burning uncontaminated wood, timber, forestry residues or paper to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of ash from burning uncontaminated wood, timber, forestry residues or paper.
- 11.4.2 Suppliers who cause or permit the provision of ash from burning uncontaminated wood, timber, forestry residues or paper to consumers

for direct land application must provide the consumer with a copy of this exemption and the MSDS.

11.5 *Monitoring and record keeping*

- 11.5.1 Suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper shall undertake routine testing of representative samples to ensure that the quality of the ash from burning uncontaminated wood, timber, forestry residues or paper is consistently maintained.
- 11.5.2 At a minimum, suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper must test the ash from burning uncontaminated wood, timber, forestry residues or paper three times a year where less than 1000 tonnes of ash from burning uncontaminated wood, timber, forestry residues or paper is provided to processors and/or consumers in total. Where more than 1000 tonnes of ash from burning uncontaminated wood, timber, forestry residues or paper is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

Processor responsibilities

12. The following conditions only apply where the ash from burning uncontaminated wood, timber, forestry residues or paper is mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of ash from burning uncontaminated wood, timber, forestry residues or paper, refer to section 13, 'Consumer responsibilities'.

12.1 *Maximum allowable contaminant concentrations*

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a commercial land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

12.2 *Information to be provided to the consumer*

- 12.2.1 Where ash from burning uncontaminated wood, timber, forestry residues or paper is mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that commercial land application material to the consumer.

12.3 *Monitoring and record keeping requirements*

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of ash from burning uncontaminated wood, timber, forestry residues or paper received, the supplier's name and the

period over which the ash from burning uncontaminated wood, timber, forestry residues or paper was received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions only apply where ash from burning uncontaminated wood, timber, forestry residues or paper is directly applied to the land. These conditions do not apply where ash from burning uncontaminated wood, timber, forestry residues or paper is mixed or blended with, or otherwise incorporated into, a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

13.1 *Soil application*

13.1.1 The ash from burning uncontaminated wood, timber, forestry residues or paper must be incorporated into the topsoil.

13.2 *Monitoring and record keeping requirements*

13.2.1 Consumers applying ash from burning uncontaminated wood, timber, forestry residues or paper to land shall obtain and keep a written statement with each transaction of ash received, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.

13.2.2 Records of the quantity of ash from burning uncontaminated wood, timber, forestry residues or paper received, the supplier's name and the date the ash from burning uncontaminated wood, timber, forestry residues or paper was received must be kept for a period of three years.

Exemption Granted



Mark Gorta
Manager, Waste Management Section
Environment Protection Authority

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such change on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the ash from burning uncontaminated wood, timber, forestry residues or paper and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of ash from burning uncontaminated wood, timber, forestry residues or paper from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

Environmentally appropriate land application of ash from burning uncontaminated wood, timber, forestry residues or paper

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the ash from burning uncontaminated wood, timber, forestry residues or paper should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should normally be no more than the agronomic rate for the most limiting factor.

As a guide, EPA recommends that the following in soil contaminant concentrations following application of ash from burning uncontaminated wood, timber, forestry residues or paper to soil should not be exceeded. It should be noted that these limits are provided as a guide only and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below these limits.

Contaminant	Maximum in soil
Boron (extractable concentrations)	10 mg/kg
Electrical conductivity EC _{se}	4 dS/m

Protection of the Environment Operations (Waste) Regulation 2005

The ash from burning bagasse and cane trash exemption 2005

Name

1. This exemption is to be known as 'The ash from burning bagasse and cane trash exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of ash from burning bagasse and cane trash is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Ash from burning bagasse and cane trash may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers and suppliers.

Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, ash from burning bagasse and cane trash to land. The consumer will generally be the landholder responsible for the land to which the ash from burning bagasse and cane trash is applied.
- **In-ash** means the ash from burning bagasse and cane trash prior to blending, mixing or otherwise processing.
- **Processor** means a person who mixes, blends or otherwise incorporates ash from burning bagasse and cane trash into a land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, ash from burning bagasse and cane trash to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the ash from burning bagasse and cane trash.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises-based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste not to be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to ash from burning bagasse and cane trash.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of ash from burning bagasse and cane trash where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The Processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Contaminant	Maximum concentration
Boron (mg/kg)	60
Electrical conductivity EC _{se} (dS/m)	4
Mercury (mg/kg)	1

Test methods

- 10.1 Test methods for measuring boron concentrations in ash from bagasse and cane trash require:
- 10.1.1 Analysis using hot water soluble method for boron, Wear J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pp 1062–3, American Society of Agronomists, Madison, Wisconsin.
 - 10.1.2 Reporting as mg/kg dry weight.
- 10.2 Test methods for measuring mercury concentrations in ash from bagasse and cane trash require:
- 10.2.1 Cold-vapour atomic absorption (sample preparation and analytical method) USEPA 7471A (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
 - 10.2.2 Reporting as mg/kg dry weight.
- 10.3 Test methods for measuring electrical conductivity concentrations in ash from burning bagasse and cane trash require:
- 10.3.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
 - 10.3.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at: www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
 - 10.3.3 Reporting as 'electrical conductivity' in deciSeimens per metre (dS/m).

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 **Chemical characterisation**

- 11.1.1 Suppliers of ash from burning bagasse and cane trash must, initially, fully chemically characterise their ash from burning bagasse and cane trash.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their ash from burning bagasse and cane trash at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the ash from burning bagasse and cane trash, initial characterisation of the ash from burning bagasse and cane trash must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1, 10.2 and 10.3.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

11.2 **Maximum allowable contaminant concentrations**

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

11.3 **Information to be provided to processor**

- 11.3.1 Suppliers who provide ash from burning bagasse and cane trash to a processor must provide a written statement of compliance to the processor with each transaction of ash from burning bagasse and cane trash, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide ash from burning bagasse and cane trash to processors must provide the processor with a copy of this exemption and the MSDS.

11.4 **Information to be provided to consumer**

- 11.4.1 Suppliers who cause or permit the provision of ash from burning bagasse and cane trash to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the ash from burning bagasse and cane trash, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of ash from burning bagasse and cane trash.
- 11.4.2 Suppliers who cause or permit the direct provision of ash from burning bagasse and cane trash to consumers must provide the consumer with a copy of this exemption and the MSDS.

11.5 **Monitoring and record keeping**

- 11.5.1 Suppliers of ash from burning bagasse and cane trash shall undertake routine testing of representative samples to ensure that the quality of the suppliers' ash from burning bagasse and cane trash quality is consistently maintained.
- 11.5.2 At a minimum, suppliers of ash from burning bagasse and cane trash must test the ash from burning bagasse and cane trash three times a year where less than 1000 tonnes of ash from burning bagasse and cane trash is provided to processors and/or consumers in total. Where more than 1000 tonnes of ash from burning bagasse and cane trash is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

Processor responsibilities

12. The following conditions only apply where the ash from burning bagasse and cane trash is mixed, blended or otherwise incorporated into a land application material prior to land application. For requirements relating to the direct land application of ash from burning bagasse and cane trash, refer to section 13, 'Consumer responsibilities'.

12.1 **Maximum allowable contaminant concentrations**

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

12.2 Information to be provided to the consumer

- 12.2.1 Where ash from burning bagasse and cane trash is mixed, blended or otherwise incorporated into a land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that land application material to the consumer.

12.3 Monitoring and record keeping requirements

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of ash from burning bagasse and cane trash certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of ash from burning bagasse and cane trash received, the supplier's name and the period over which the ash from burning bagasse and cane trash was received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions only apply where ash from burning bagasse and cane trash is directly applied to the land. These conditions do not apply where the ash from burning bagasse and cane trash is mixed or blended with, or otherwise incorporated into, a land application material. The following conditions must be met by the consumer for this exemption to apply.

13.1 Soil application

- 13.1.1 The ash from burning bagasse and cane trash must be incorporated into the topsoil.

13.2 Monitoring and record keeping requirements

- 13.2.1 Consumers applying ash from burning bagasse and cane trash to land shall obtain and keep a written statement with each transaction of ash from burning bagasse and cane trash received, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 13.2.2 Records of the quantity of ash from burning bagasse and cane trash received, the supplier's name and the date the ash was received must be kept for a period of three years.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the ash from bagasse and cane trash and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of ash from bagasse and cane trash from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

Environmentally appropriate land application of ash from bagasse and cane trash

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the ash from bagasse should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should normally be no more than the agronomic rate for the most limiting factor.

As a guide, EPA recommends that the following in soil contaminant concentrations following application of ash from bagasse and cane trash to soil should not be exceeded. It should be noted that these limits are provided as a guide only, and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below these limits.

Contaminant	Maximum in soil
Boron (extractable concentrations)	10 mg/kg
Electrical conductivity EC _{se}	4 dS/m

Protection of the Environment Operations (Waste) Regulation 2005

The fly ash and bottom ash from burning NSW or Queensland coal exemption 2005

Name

1. This exemption is to be known as 'The fly ash and bottom ash from burning NSW or Queensland coal exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until 1 December 2006 or until otherwise revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of fly ash and bottom ash from any furnace is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Fly ash and bottom ash produced by any furnace that burns only NSW or Queensland coal may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of suppliers, processors and consumers.

Definitions

6. In this exemption:

- **Burning NSW or Queensland coal** means burning coal that was mined in NSW or Queensland. It is recognised that other substances, such as oil, may be used as ignition start-up fuels. Burning NSW or Queensland coal is taken to include the use of such materials during the start-up process.
- **Consumer** means a person who applies, or causes or permits the application of, fly ash or bottom ash to land. The consumer will generally be the landholder responsible for the land to which the ash is applied.
- **Fly ash or bottom ash** means fly ash or bottom ash from burning NSW or Queensland coal.
- **In-ash** means the fly ash or bottom ash prior to blending, mixing or otherwise processing.

- **Processor** means a person who mixes, blends or otherwise incorporates fly ash or bottom ash into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, fly ash or bottom ash to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the fly ash or bottom ash.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste not to be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to fly ash or bottom ash generated from burning NSW or Queensland coal.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of fly ash or bottom ash where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Contaminant	Maximum concentration
Boron (mg/kg)	60
Electrical conductivity EC _{se} (dS/m)	4

Test methods

10.1 Test methods for measuring boron concentrations in fly ash or bottom ash require:

- 10.1.1 Analysis using hot water soluble method for boron, Wear, J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pp 1062–3, American Society of Agronomists, Madison, Wisconsin.
- 10.1.2 Reporting as mg/kg dry weight.

10.2 Test methods for measuring electrical conductivity concentrations in fly ash or bottom ash require:

- 10.2.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
- 10.2.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3) Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
- 10.2.3 Reporting as 'electrical conductivity' in deciSeimens per metre (dS/m)

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 Chemical characterisation

- 11.1.1 Suppliers of fly ash or bottom ash must initially fully chemically characterise their fly ash or bottom ash.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their fly ash or bottom ash at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the fly ash or bottom ash, initial characterisation of the fly ash or bottom ash must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1 and 10.2.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

11.2 Maximum allowable contaminant concentrations

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

11.3 Information to be provided to processor

- 11.3.1 Suppliers who provide fly ash or bottom ash to a processor must provide a written statement of compliance to the processor with each transaction of fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide fly ash or bottom ash to processors must provide the processor with a copy of this exemption and the MSDS.

11.4 Information to be provided to consumer

- 11.4.1 Suppliers who cause or permit the provision of fly ash or bottom ash to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of fly ash or bottom ash.
- 11.4.2 Suppliers who cause or permit the provision of fly ash or bottom ash to the consumer for direct land application must provide the consumer with a copy of this exemption and the MSDS.

11.5 Monitoring and record keeping

- 11.5.1 Suppliers of fly ash or bottom ash must undertake routine testing of representative samples to ensure that the quality of the fly ash or bottom ash is consistently maintained.
- 11.5.2 At a minimum, suppliers of fly ash or bottom ash must test the fly ash or bottom ash three times a year where less than 1000 tonnes of fly ash or bottom ash is provided to processors and/or consumers in total. Where more than 1000 tonnes of fly ash or bottom ash is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

Processor responsibilities

12. The following conditions only apply where the fly ash or bottom ash is mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of fly ash or bottom ash, refer to section 13, 'Consumer responsibilities'.

12.1 Maximum allowable contaminant concentrations

- 12.1.1 Prior to mixing, blending or otherwise incorporating fly ash or bottom ash into a commercial land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

12.2 Information to be provided to the consumer

- 12.2.1 Where fly ash or bottom ash is mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations

regarding appropriate application rates, of that commercial land application material to the consumer.

12.3 **Monitoring and record keeping requirements**

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of fly ash or bottom ash received, the supplier's name and the period over which the fly ash or bottom ash was received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions only apply where fly ash or bottom ash is directly applied to the land. These conditions do not apply to fly ash or bottom ash that is mixed, blended or otherwise incorporated into a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

13.1 **Soil application**

- 13.1.1 The fly ash or bottom ash must be incorporated into the topsoil.

13.2 **Monitoring and record keeping requirements**

- 13.2.1 Consumers applying fly ash or bottom ash to land shall obtain and keep a written statement with each transaction of fly ash or bottom ash received, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.
- 13.2.2 Records of the quantity of fly ash or bottom ash received, the supplier's name and the date the fly ash or bottom ash was received must be kept for a period of three years.

Exemption Granted



Mark Gorta
Manager, Waste Management Section
Environment Protection Authority

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the fly ash or bottom ash and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of fly ash or bottom ash from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

Environmentally appropriate land application of fly ash and bottom ash

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the fly ash or bottom ash should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should be no more than the agronomic rate for the most limiting factor.

As a guide, EPA recommends that the following in soil contaminant concentrations following application of fly ash or bottom ash to soil should not be exceeded. It should be

noted that these limits are provided as a guide only and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the these limits.

Contaminant	Maximum in soil
Boron (extractable concentrations)	10 mg/kg
Electrical conductivity EC _{se}	4 dS/m

Protection of the Environment Operations (Waste) Regulation 2005

The foundry sand exemption 2005

Name

1. This exemption is to be known as 'The foundry sand exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until 1 April 2006 or until otherwise revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of foundry sand is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Foundry sand may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of suppliers, processors and consumers.

Definitions

6. In this exemption:

- **Foundry sand** means material recovered from the moulds used in the hot casting of metals, comprised predominantly of sand. Foundry sand does not include other materials from foundries such as bag dusts, dross and slags.
- **In-sand** means the chemical levels in the foundry sand prior to blending, mixing or otherwise processing.
- **Supplier** means a person who supplies, or causes or permits the supply of, foundry sand to a processor. The supplier will generally be the generator of the foundry sand.
- **Processor** means a person who mixes, blends or otherwise incorporates foundry sand with other materials to make compost or artificial soil.
- **Consumer** means a person who applies compost or artificial soil which incorporates foundry sand to land for the purpose of growing plants.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste not to be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 The exemption only applies to foundry sand from the casting of iron and/or aluminium. Foundry sand from the casting of other materials, including brass, bronze, stainless steel or any other metal alloys, combination of alloys or hot dipping or surface treating is excluded from this exemption.
- 8.2 The foundry sand must be mixed or blended with, or otherwise incorporated into, compost or artificial soil.
- 8.3 The direct application to land of foundry sand is not permitted.
- 8.4 The supplier, processor and consumer must not cause or permit the use of foundry sand where the in-sand chemicals identified in section 9 and listed in Column 1 of Table 2 do not conform with the concentrations listed in Column 2 of Table 2.
- 8.5 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.6 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.7 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

Chemical concentrations

9. The in-sand chemical concentrations listed in Column 1 of Table 2 must comply with the concentrations listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Chemical	Maximum concentration
1 Zinc (mg/kg on a dry mass basis)	100
2 Copper (mg/kg on a dry mass basis)	75
3 Molybdenum (mg/kg on a dry mass basis)	20
4 Arsenic (mg/kg on a dry mass basis)	7.5
5 Cadmium (mg/kg on a dry mass basis)	1
6 Chromium (mg/kg on a dry mass basis)	75
7 Lead (mg/kg on a dry mass basis)	30
8 Selenium (mg/kg on a dry mass basis)	5
9 Nickel (mg/kg on a dry mass basis)	40
10 Silver (mg/kg on a dry mass basis)	7.5
11 Beryllium (mg/kg on a dry mass basis)	2
12 Fluoride (mg/kg on a dry mass basis)	7.5
13 Mercury (mg/kg on a dry mass basis)	0.3

Test methods

10.1 Test methods for measuring chemicals 1–12 in foundry sand require:

- 10.1.1 Sample preparation by digesting foundry sand using USEPA 3051 or equivalent.
- 10.1.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption, ie 5 mg/kg for lead and 0.1 mg/kg for cadmium).
- 10.1.3 Reporting as mg/kg dry weight.

10.2 Test methods for measuring mercury concentrations in foundry sand require:

- 10.2.1 Cold-vapour atomic absorption (sample preparation and analytical method) using USEPA 7471A (or equivalent analytical method with a 'detection limit' < 20% of the stated total concentration in the General Exemption, ie 0.03 mg/kg).
- 10.2.2 Reporting as mg/kg dry weight.

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 Chemical characterisation

- 11.1.1 Suppliers must, initially, chemically characterise their foundry sand by taking 20 individual samples, by taking one sample from each batch of foundry sand or each truckload or skip bin of foundry sand (whichever is more frequent) that is removed from the foundry for reuse.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their foundry sand at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the foundry sand, initial characterisation of the foundry sand must be repeated.

- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1 and 10.2.
- 11.1.5 A mean and a 95% confidence interval should be calculated for each chemical listed in Column 1 of Table 2 to illustrate compliance with Column 2, Table 2, 95% of the time.
- 11.1.6 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

11.2 **Maximum allowable chemical concentrations**

- 11.2.1 The in-sand chemical or chemical values specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

11.3 **Information to be provided to processor**

- 11.3.1 Suppliers of foundry sand must provide a written statement of compliance to the processor with each transaction of foundry sand, certifying that the foundry sand complies with the relevant conditions of this exemption. The certificate must be provided prior to mixing the foundry sand with other materials.
- 11.3.2 The supplier must provide a copy of this exemption and the MSDS to the processor.

11.4 **Monitoring and record keeping**

- 11.4.1 Suppliers of foundry sand shall undertake routine testing of representative samples to ensure that the quality of the supplier's foundry sand is consistently maintained.
- 11.4.2 At a minimum, suppliers of foundry sand must test the foundry sand three times a year where less than 1000 tonnes of foundry sand is provided to processors and/or consumers in total. Where more than 1000 tonnes of foundry sand is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.4.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.4.4 Characterisation and routine test results shall be kept for a minimum of three years.
- 11.4.5 Suppliers of foundry sand must keep records of all transactions for three years, including the name and address of the processor of each transaction of foundry sand.

Processor responsibilities

12. The following conditions must be met by the processor for this exemption to apply.

12.1 **Incorporation into compost or artificial soil**

- 12.1.1 The foundry sand must be incorporated into a commercial compost or artificial soil.
- 12.1.2 The foundry sand must be incorporated into a commercial compost or artificial soil at a rate not greater than 10% of dry volume in any mix.

12.2 Information to be provided to the consumer

- 12.2.1 The processor must provide the consumer with recommendations on the appropriate use, including recommendations regarding appropriate application rates, for commercial land application materials which are mixed or blended with, or otherwise incorporate, foundry sand.

12.3 Monitoring and record keeping requirements

- 12.3.1 Processors shall obtain and keep a written statement of compliance from the supplier with each transaction of foundry sand, certifying that the foundry sand complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of foundry sand supplied, the supplier's name and the date the foundry sand was received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions must be met by the consumer for this exemption to apply:

- 13.1 Foundry sand must not be applied to land unless it is a constituent of commercial compost or artificial soil.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required when additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Contaminant limits and blending rates are specified as maximums only. These rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the foundry sand and that show compliance with 11.2 'Maximum allowable chemical concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of foundry sand from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

Environmentally appropriate land application of compost and artificial soil containing foundry sand

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the compost or artificial soil made from foundry sand should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc.

While maximum contaminant concentration limits are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application.

As a guide, EPA recommends that the following contaminant concentrations in the finished compost or artificial soils made with foundry sand should not be exceeded. It

should be noted that these limits are provided as a guide only and plants may display symptoms of toxicity and/or reductions in yield at values below these limits.

Contaminant	Maximum in compost or artificial soil
Total lead (mg/kg dry weight)	< 50 mg/kg dry weight
Total cadmium (mg/kg dry weight)	< 1 mg/kg dry weight
Total mercury (mg/kg dry weight)	< 0.15 mg/kg dry weight

Note: The test methods listed in 10.1 and 10.2 should be used to determine the concentration of the contaminants in compost and manufactured soil products.

Protection of the Environment Operations (Waste) Regulation 2005

The lime and gypsum residues from drinking water treatment exemption 2005

Name

1. This exemption is to be known as 'The lime and gypsum residues from drinking water treatment exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of lime and gypsum residues from any industrial or manufacturing process is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Lime and gypsum residues from drinking water treatment may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers, processors and suppliers.

Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, lime and gypsum residues from drinking water treatment to land. The consumer will generally be the landholder responsible for the land to which the lime and gypsum residues are applied.
- **Lime and gypsum residues from drinking water treatment** are the residues from water treated for human consumption or uses associated with human consumption using lime or gypsum. These residues may include calcium oxide, calcium hydroxide, calcium sulphate, calcium carbonate, magnesium hydroxide, magnesium sulphate, sodium sulphate, magnesium silicates and natural organic matter (NOM).

- **Processor** means a person who mixes, blends or otherwise incorporates lime and gypsum residues from drinking water treatment into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, lime and gypsum residues from drinking water treatment to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the lime and gypsum residues from drinking water treatment.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste not to be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to lime and gypsum residues from drinking water treatment.
- 8.2 The supplier must comply with all requirements specified in section 9, 'Supplier responsibilities'.
- 8.3 The processor must comply with all requirements specified in section 10, 'Processor responsibilities'.
- 8.4 The consumer must comply with all requirements specified in section 11, 'Consumer responsibilities'.

Supplier responsibilities

9. The following conditions must be met by the supplier for this exemption to apply:

9.1 *Chemical characterisation*

- 9.1.1 Suppliers of lime and gypsum residues from drinking water treatment must, initially, fully chemically characterise their lime and gypsum residues from drinking water treatment.
- 9.1.2 Suppliers must repeat the full chemical characterisation of their lime and gypsum residues from drinking water treatment at least every three years.
- 9.1.3 Where there is a change in inputs that is likely to affect the contaminants in the lime and gypsum residues from drinking water treatment, initial characterisation of the lime and gypsum residues from drinking water treatment must be repeated.
- 9.1.4 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

9.2 *Information to be provided to processor*

- 9.2.1 Suppliers who provide lime and gypsum residues from drinking water treatment to a processor must provide a written statement of compliance to the processor with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption. The statement of compliance must be provided prior to mixing, blending or otherwise incorporating the lime and gypsum residues from drinking water treatment with other materials.
- 9.2.2 Suppliers who provide lime and gypsum residues from drinking water treatment to processors must provide the processor with a copy of this exemption and the MSDS.

9.3 *Information to be provided to consumer*

- 9.3.1 Suppliers who cause or permit the provision of lime and gypsum residues from drinking water treatment to consumers for direct land application must provide the consumer with a written statement of compliance, a copy of this exemption and the MSDS.

9.4 *Monitoring and record keeping*

- 9.4.1 Suppliers of lime and gypsum residues from drinking water treatment must undertake routine testing of representative samples to ensure that the quality of the lime and gypsum residues from drinking water treatment is consistently maintained.
- 9.4.2 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 9.4.3 Results shall be kept for a minimum of three years.
- 9.4.4 Records of the quantity of lime and gypsum residues from drinking water treatment supplied, the processor's or consumer's name and the period over which the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.

Processor responsibilities

10. The following conditions only apply where the lime and gypsum residues from drinking water treatment are mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of lime and gypsum residues from drinking water treatment, refer to section 11, 'Consumer responsibilities'.

10.1 Information to be provided to the consumer

- 10.1.1 Where lime and gypsum residues from drinking water treatment are mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that commercial land application material to the consumer.

10.2 Monitoring and record keeping requirements

- 10.2.1 Processors must obtain and keep a written statement from the supplier with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption.
- 10.2.2 Records of the quantity of lime and gypsum residues from drinking water treatment received, the supplier's name and the period over which the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.

Consumer responsibilities

11. The following conditions only apply where lime and gypsum residues from drinking water treatment are directly applied to the land. These conditions do not apply to processed commercial land application products that contain lime and gypsum residues from drinking water treatment. The following conditions must be met by the consumer for this exemption to apply.

11.1 Soil application

- 11.1.1 The soil to which the lime and gypsum residues from drinking water treatment will be applied must be characterised prior to the initial application of the lime and gypsum residues from drinking water treatment, to determine appropriate application rates.
- 11.1.2 Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 11.1.3 The lime and gypsum residues from drinking water treatment must be incorporated into the topsoil.

11.2 Monitoring and record keeping requirements

- 11.2.1 Records of the supplier's name and the date the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.
- 11.2.2 Consumers must obtain and keep a written statement with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption.

Exemption Granted

A handwritten signature in black ink that reads "Mark Gorta". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail.

**Mark Gorta
Manager, Waste Management Section
Environment Protection Authority**

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 9, 'Supplier responsibilities', that relate to 9.1 'Chemical characterisation' of the residues, are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of residues from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

Protection of the Environment Operations (Waste) Regulation 2005

The lime and gypsum residues from plasterboard exemption 2005

Name

1. This exemption is to be known as 'The lime and gypsum residues from plasterboard exemption 2005'.

Commencement

2. This exemption commences on 1 December 2005.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of lime and gypsum residues from any industrial or manufacturing process is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Lime and gypsum residues from plasterboard may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers, processors and suppliers.

Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, lime and gypsum residues from plasterboard to land. The consumer will generally be the landholder responsible for the land to which the lime and gypsum residues from plasterboard is applied.
- **Lime and gypsum residues from plasterboard** are the residues from plasterboard from manufacturing, construction or fit-outs which comprise > 80% calcium sulphate dihydrate, < 10% paper, < 10% natural clays, < 10% paraffin waxes, < 10% mica, < 2% crystalline silica, with minor quantities (< 5%) of starch and fibrous glass.
- **In-plasterboard** means the lime and gypsum residues from plasterboard prior to blending, mixing or otherwise processing.

- **Processor** means a person who mixes, blends or otherwise incorporates lime and gypsum residues from plasterboard into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, lime and gypsum residues from plasterboard to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the lime and gypsum residues from plasterboard.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]
Processor	clause 6 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 6 of the Regulation [Residue waste not to be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to lime and gypsum residues from plasterboard.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of lime and gypsum residues from plasterboard where the in-plasterboard contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

Maximum contaminant concentrations

9. The in-plasterboard contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Contaminant	Maximum concentration
Lead (mg/kg)	100

Test methods

10.1 Test methods for measuring lead concentrations in lime and gypsum residues from plasterboard require:

- 10.1.1 Sample preparation by digesting plasterboard using USEPA 3051 or equivalent.
- 10.1.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
- 10.1.3 Reporting as mg/kg dry weight.

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 *Chemical characterisation*

- 11.1.1 Suppliers of lime and gypsum residues from plasterboard must, initially, fully chemically characterise their lime and gypsum residues from plasterboard.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their lime and gypsum residues from plasterboard at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the lime and gypsum residues from plasterboard, initial characterisation of the lime and gypsum residues from plasterboard must be repeated.
- 11.1.4 The contaminant specified in Table 2 must be measured in accordance with the test methods specified in 10.1.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

11.2 *Maximum allowable contaminant concentrations*

- 11.2.1 The in-plasterboard contaminants specified in Column 1, Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance and must not exceed the maximum contaminant concentration specified in Column 2, Table 2.

11.3 *Information to be provided to processor*

- 11.3.1 Suppliers who provide lime and gypsum residues from plasterboard to a processor must provide a written statement of compliance to the processor with each transaction of lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.

- 11.3.2 Suppliers who provide lime and gypsum residues from plasterboard to processors must provide the processor with a copy of this exemption and the MSDS.

11.4 Information to be provided to consumer

- 11.4.1 Suppliers who cause or permit the provision of lime and gypsum residues from plasterboard to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of lime and gypsum residues from plasterboard.
- 11.4.2 Suppliers who cause or permit the direct provision of lime and gypsum residues from plasterboard to consumers must provide a copy of this exemption and the MSDS to the consumer.

11.5 Monitoring and record keeping

- 11.5.1 Suppliers of lime and gypsum residues from plasterboard shall undertake routine testing of representative samples to ensure that the quality of the supplier's lime and gypsum residues is consistently maintained.
- 11.5.2 At a minimum, suppliers of lime and gypsum residues from plasterboard must test the lime and gypsum residues from plasterboard three times a year where less than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total. Where more than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

Processor responsibilities

12. The following conditions only apply where the lime and gypsum residues from plasterboard are mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of lime and gypsum residues from plasterboard, refer to section 13, 'Consumer responsibilities'.

12.1 Maximum allowable contaminant concentrations

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a commercial land application material, the processor must ensure that the in-plasterboard contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

12.2 Information to be provided to the consumer

- 12.2.1 Where lime and gypsum residues from plasterboard are mixed or blended with, or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate

application rates, of that commercial land application material to the consumer.

12.3 **Monitoring and record keeping requirements**

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of lime and gypsum residues from plasterboard certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of lime and gypsum residues from plasterboard received, the supplier's name and the period over which the lime and gypsum residues from plasterboard were received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions only apply where lime and gypsum residues from plasterboard are directly applied to the land. These conditions do not apply to lime and gypsum residues from plasterboard that is mixed, blended or otherwise incorporated into a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

13.1 **Soil application**

- 13.1.1 The soil to which the lime and gypsum residues from plasterboard will be applied must be characterised prior to the initial application of the lime and gypsum residues from plasterboard to determine appropriate application rates.
- 13.1.2 Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 13.1.3 The lime and gypsum residues from plasterboard must be incorporated into the topsoil.

13.2 **Monitoring and record keeping requirements**

- 13.2.1 Consumers applying lime and gypsum residues from plasterboard must obtain and keep a written statement with each transaction, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 13.2.2 Records of the supplier's name and the date the lime and gypsum residues from plasterboard were received must be kept for a period of three years.

Exemption Granted



Mark Gorta
Manager, Waste Management Section
Environment Protection Authority

Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the lime and gypsum residues and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of lime and gypsum residues from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

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

GOSFORD CITY COUNCIL

Roads Act 1993

THE land described in the schedule is dedicated as a public road pursuant to the section 10 of the Roads Act 1993. PETER WILSON, General Manager.

SCHEDULE

Lot 2, DP 605591; Lots 3 and 4, DP 872342. [1810]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Wollongong City Council in pursuance of section 162 of the Roads Act 1993, has approved the names of the roads to be dedicated in the plan of subdivision of Lot 2 in DP 1080538 in the suburb of Yallah as follows:

Larkins.



Authorised by the delegated officer. GENERAL MANAGER, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre NSW 2521. [1804]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Wollongong City Council in pursuance of section 162 of the Roads Act 1993, has approved the names of the roads to be dedicated in the plan of subdivision of Lot 8 in DP 1079389 in the suburb of Lake Heights as follows:

Austen Road, Hingston Close and Aitkin Place.

Authorised by the delegated officer. GENERAL MANAGER, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre NSW 2521. [1803]

WYONG SHIRE COUNCIL

Naming of Roads in Subdivisions

NOTICE is hereby given that in accordance with Part 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<i>Location</i>	<i>Name</i>
Lot 51, DP 1076891, Clydesdale Street, Wadalba.	Colonial Street, Drovers Way, Salamander Road.

No objections to the proposed names were received within the prescribed period of time. K. YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

[1808]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PETER BERNARD MORRIS, late of 9 Hughes Street, Taree, in the State of New South Wales, unemployed, who died on 1st March 2005, must send particulars of his/her claim to the administratrix, Kamini Devi Morris, c.o. Lockhart Quinn & Co., Solicitors, 5 Library Lane, Charlestown NSW 2290, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the administratrix has notice. Letters of Administration were granted in New South Wales on 25th October 2005. LOCKHART QUINN & CO., Solicitors, 5 Library Lane (PO Box 373), Charlestown NSW 2290, (DX 12611, Charlestown), tel.: (02) 4942 3222. [1805]

COMPANY NOTICES

NOTICE of final meeting of members.—ROUMALLA PARK PTY LIMITED, ACN 000 875 981 (in liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the abovementioned company will be held at the offices of Roberts and Morrow of 137 Beardy Street, Armidale NSW 2350, on the 22nd day of December 2005, at 3:30 p.m., for the purpose of laying before the meeting the liquidators' final accounts and report and giving any explanation thereof. Dated this 22nd day of December 2005. KAREN TROMP, Liquidator, c.o. Roberts and Morrow, Chartered Accountants, 137 Beardy Street (PO Box 112), Armidale NSW 2350, tel.: (02) 6774 8400. [1806]

NOTICE of voluntary winding up of company.—ANGCA PTY LTD, ACN 102 613 105 (in voluntary liquidation).—At a general meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000 on 9th December 2005, the following resolutions were passed: Special resolution “that the company be wound up voluntarily” and “that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company”. Angus Gluskie, Director. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens Sydney Pty Ltd, Chartered Accountants, Level 5, 14 Martin Place, Sydney NSW 2000. [1807]

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