



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 77
Friday, 24 June 2005

Published under authority by Government Advertising and Information

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 15 June 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. 31 2005 - An Act to amend certain Acts with respect to courts, court procedures, judges' pensions and other matters; and for other purposes. [Courts Legislation Amendment Bill]

Act No. 32 2005 - An Act to amend the Criminal Assets Recovery Act 1990 to make further provision with respect to the seizure, restraint and forfeiture of property derived from crime related activity and the mutual recognition of interstate instruments; and for other purposes. [Criminal Assets Recovery Amendment Bill]

Act No. 33 2005 - An Act to amend the Fire Brigades Act 1989 to provide a legislative framework for the establishment and operation of community fire units; and for other purposes. [Fire Brigades Amendment (Community Fire Units) Bill]

Act No. 34 2005 - An Act to amend the Occupational Health and Safety Act 2000 to make it an offence for a person who owes a duty under Part 2 of that Act to engage in reckless conduct that causes death at a workplace; and to amend the Criminal Appeal Act 1912 to provide for appeals in connection with a conviction for such an offence to the Court of Criminal Appeal. [Occupational Health and Safety Amendment (Workplace Deaths) Bill]

Act No. 35 2005 - An Act to amend the Petroleum (Submerged Lands) Act 1982 in relation to renewals of exploration permits for petroleum and the imposition of conditions on retention leases for petroleum and in relation to the identification of certain land; and for other purposes. [Petroleum (Submerged Lands) Amendment (Permits and Leases) Bill]

Act No. 36 2005 - An Act to amend the Road Transport (Safety and Traffic Management) Act 1999 to make further provision with respect to the speed limiting of certain heavy vehicles; and for other purposes. [Road Transport Legislation (Speed Limiters) Amendment Bill]

Act No. 37 2005 - An Act to amend the Rural Workers Accommodation Act 1969 to make further provision for the accommodation of certain rural workers; to amend the Occupational Health and Safety Act 2000; and for other purposes. [Rural Workers Accommodation Amendment Bill]

Russell D. Grove PSM
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 16 June 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. 38 2005 - An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Government for the year 2005-06. [Appropriation Bill]

Act No. 39 2005 - An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Legislature for the year 2005-06. [Appropriation (Parliament) Bill]

Act No. 40 2005 - An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of certain offices for the year 2005-06. [Appropriation (Special Offices) Bill]

Act No. 41 2005 - An Act with respect to fiscal targets and fiscal principles and to repeal the General Government Debt Elimination Act 1995; and for other purposes. [Fiscal Responsibility Bill]

Act No. 42 2005 - An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes. [State Revenue Legislation Amendment (Budget Measures) Bill]

Act No. 43 2005 - An Act to amend the Environmental Planning and Assessment Act 1979 and other Acts to facilitate infrastructure and other planning reform; and for other purposes. [Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill]

Act No. 44 2005 - An Act to amend the Gambling (Two-up) Act 1998 to provide for two-up to be played on commemorative days other than Anzac Day; and for other purposes. [Gambling (Two-up) Amendment Bill]

Russell D. Grove PSM
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

under the

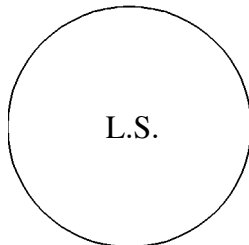
Civil Liability Amendment (Food Donations) Act 2005 No 16

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Civil Liability Amendment (Food Donations) Act 2005*, do, by this my Proclamation, appoint 1 July 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 8th day of June 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

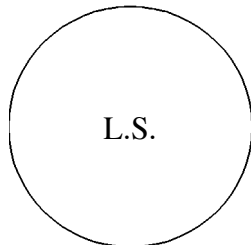
Civil Procedure Act 2005 No 28

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Civil Procedure Act 2005*, do, by this my Proclamation, appoint 24 June 2005 as the day on which sections 8 and 17 of that Act, and Schedule 2 to that Act, commence.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence those provisions of the *Civil Procedure Act 2005* that deal with the constitution and procedure of the Uniform Rules Committee established under that Act, and with the approval by the Uniform Rules Committee of the forms to be used for the purposes of that Act.



New South Wales

Proclamation

under the

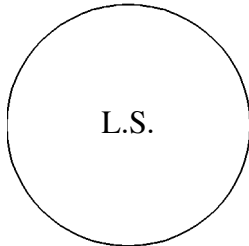
Road Transport (General) Amendment (Licence Suspension) Act
2004 No 59

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Road Transport (General) Amendment (Licence Suspension) Act 2004*, do, by this my Proclamation, appoint 24 June 2005 as the day on which that Act commences except for section 5 and Schedule 1 [10] and [11].

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,
Minister for Roads

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Road Transport (General) Amendment (Licence Suspension) Act 2004* on 24 June 2005 other than the provisions that repeal the *Road Transport (General) Amendment (Operator Onus Offences) Act 2002* and that amend section 43 of *Road Transport (General) Act 1999* in relation to the use of a statutory declaration in determining the liability of a responsible person for a vehicle for a designated offence.



New South Wales

Proclamation

under the

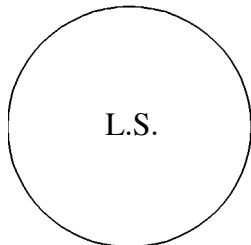
Sheriff Act 2005 No 6

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Sheriff Act 2005*, do, by this my Proclamation, appoint 1 July 2005 as the day on which that Act (except Schedule 1.3 [2] and [4] and 1.4) commences.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Regulations



New South Wales

Catchment Management Authorities (Savings and Transitional) Amendment Regulation 2005

under the

Catchment Management Authorities Act 2003

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

CRAIG KNOWLES, M.P.,
Minister for Natural Resources

Explanatory note

At present clause 5 of the *Catchment Management Authorities (Savings and Transitional) Regulation 2004* authorises an authority to carry out or fund catchment activities until such time as its first annual implementation program is approved by the Minister or until 1 July 2005 (whichever is the sooner). The object of this Regulation is to extend the operation of this clause to 31 December 2005 (for those authorities who do not have an annual implementation program approved sooner).

This Regulation is made under the *Catchment Management Authorities Act 2003*, including clause 2 of Schedule 6 (Savings, transitional and other provisions) and section 40 (the general regulation-making power).

Clause 1 Catchment Management Authorities (Savings and Transitional) Amendment
Regulation 2005

Catchment Management Authorities (Savings and Transitional) Amendment Regulation 2005

under the

Catchment Management Authorities Act 2003

1 Name of Regulation

This Regulation is the *Catchment Management Authorities (Savings and Transitional) Amendment Regulation 2005*.

2 Amendment of Catchment Management Authorities (Savings and Transitional) Regulation 2004

The *Catchment Management Authorities (Savings and Transitional) Regulation 2004* is amended by omitting the matter “1 July 2005” from clause 5 and inserting instead “31 December 2005”.



New South Wales

District Court Amendment (Fees) Regulation 2005

under the

District Court Act 1973

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 3.75 per cent, certain court fees (as set out in the *District Court Regulation 2000*) payable in respect of the business of the District Court.

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

Clause 1 District Court Amendment (Fees) Regulation 2005

District Court Amendment (Fees) Regulation 2005

under the

District Court Act 1973

1 Name of Regulation

This Regulation is the *District Court Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of District Court Regulation 2000

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

District Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

| | | \$ |
|---|---|---|
| 1 | (1) Filing a statement of claim or any other originating process (other than the filing of an originating process referred to in paragraph (2)) | 908.00 (in the case of a corporation) or 454.00 (in any other case) |
| | (2) Filing an originating process by way of a notice of appeal | 376.00 (in the case of a corporation) or 188.00 (in any other case) |
| | (3) Filing a notice of cross-claim or third or subsequent party notice | 908.00 (in the case of a corporation) or 454.00 (in any other case) |
| 2 | Filing notice of motion under Part 16 of the <i>District Court Rules 1973</i> (not being a filing referred to in item 1) | 118.00 (in the case of a corporation) or 59.00 (in any other case) |
| 3 | (1) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury) | 1,554.00 (in the case of a corporation) or 777.00 (in any other case) |
| | (2) Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial) | 706.00 (in the case of a corporation) or 353.00 (in any other case) |
| 4 | Making a copy of any document, for each page (minimum fee of \$10.00) | 2.00 |
| 5 | Supply of duplicate tape recording of sound-recorded evidence, for each cassette | 36.00 |
| 6 | For each copy of the transcript of any proceedings: | |
| | (a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$66.00) | 7.90 |

Page 3

District Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

| | \$ |
|---|--|
| (b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$78.00) | 9.00 |
| 7 Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted | 46.00 |
| 8 Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted | 57.00 |
| 9 Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession | } As prescribed by the scale of fees under the <i>Sheriff Act 1900</i> |
| 10 Levy on a writ of execution | |
| 11 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed | |
| 12 The travelling expenses incurred by officers in conveying an arrested person to prison or to court | |
| 13 Attending a view by a jury (to be paid by the party making the request) | |
| 14 On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties) | 578.00 |
| 15 Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the rehearing of an action referred for arbitration | 882.00 (in the case of a corporation) or 441.00 (in any other case) |
| Note. This amount is subject to any provision of the <i>District Court Rules 1973</i> providing for the refund of the whole or any part of this amount. | |
| 16 To issue a subpoena (for production, to give evidence, or both) | 114.00 (in the case of a corporation) or 57.00 (in any other case) |

District Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

| | \$ |
|----|---|
| 17 | <p>For allocation of a date for hearing the proceedings by a judge or a judge and jury</p> <p>972.00 (in the case of a corporation) or 486.00 (in any other case)</p> <p>Note 1. The hearing allocation fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.</p> <p>Note 2. A hearing allocation fee is payable for proceedings allocated a date for hearing after 1 October 2003 whether the proceedings were initiated before or after that date.</p> <p>Note 3. A hearing allocation fee is not payable:</p> <p>(a) in criminal proceedings, or</p> <p>(b) in proceedings of an interlocutory nature only.</p> <p>Note 4. A hearing allocation fee is not payable and, if paid, is to be remitted, if:</p> <p>(a) the proceedings do not proceed on the allocated date for hearing, and</p> <p>(b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings.</p> |



New South Wales

Dust Diseases Tribunal Amendment (Fees) Regulation 2005

under the

Dust Diseases Tribunal Act 1989

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 3.75 per cent, certain fees (as set out in the *Dust Diseases Tribunal Regulation 2001*) to be paid in respect of proceedings before the Dust Diseases Tribunal.

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

Clause 1 Dust Diseases Tribunal Amendment (Fees) Regulation 2005

Dust Diseases Tribunal Amendment (Fees) Regulation 2005

under the

Dust Diseases Tribunal Act 1989

1 Name of Regulation

This Regulation is the *Dust Diseases Tribunal Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Dust Diseases Tribunal Regulation 2001

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

Dust Diseases Tribunal Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1 Fees

Omit items 3–12 from the Schedule. Insert instead:

- | | | |
|---|--|--|
| 3 | Filing notice of motion | 294 (in the case of a corporation) or 147 (in any other case) |
| 4 | To open or keep open the registry or part of the registry: | |
| | (a) on a Saturday, Sunday or public holiday | 1,012 (in the case of a corporation) or 506 (in any other case) |
| | (b) on any other day: | |
| | (i) before 8.30 am or after 4.30 pm | 1,012 (in the case of a corporation) or 506 (in any other case) |
| | (ii) between 8.30 and 9 am or 4 and 4.30 pm | 106 (in the case of a corporation) or 53 (in any other case) |
| 5 | To furnish a copy of the written opinion or reasons for opinion of any member of the Tribunal: | |
| | (a) for a printed copy | 50 |
| | (b) for any other kind of copy | 31 |
| | Note. A party to proceedings before the Tribunal is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge. | |
| 6 | Making a copy of any document, otherwise than as provided for by item 5, for each page (minimum fee of \$10) | 2 |
| 7 | Supply of duplicate tape recording of sound-recorded evidence, for each cassette | 36 |
| 8 | For each copy of the transcript of any proceedings: | |
| | (a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$66) | 7.90 |

Page 3

Dust Diseases Tribunal Amendment (Fees) Regulation 2005

Schedule 1 Amendment

-
- (b) for each page, where the matter being transcribed is 3 months old or older
(minimum fee for 1 to 8 pages of \$78)
- | | | |
|----|---|---|
| 9 | To issue a subpoena for production | 114 (in the case of a corporation) or 57 (in any other case) |
| 10 | To issue a subpoena for production and to give evidence | 114 (in the case of a corporation) or 57 (in any other case) |
| 11 | To issue a subpoena to give evidence | 56 (in the case of a corporation) or 28 (in any other case) |
| 12 | The fee for a service not otherwise provided for in this Schedule | 60 (in the case of a corporation) or 30 (in any other case) |
- Note.** This fee is chargeable only with the approval of the registrar.



New South Wales

Fisheries Management (General) Amendment (Clarence River) Regulation 2005

under the

Fisheries Management Act 1994

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

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

Explanatory note

Clause 41 of the *Fisheries Management (General) Regulation 2002* currently allows the use of a meshing net for taking fish in certain waters if the method used is splashing (that is, by shooting the net, immediately splashing and retrieving the net as a continuous operation). In the waters of the Clarence River, however, an alternative method of splashing is also used. The object of this Regulation is to allow for this alternative method of using a meshing net in the waters of the Clarence River.

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

Clause 1 Fisheries Management (General) Amendment (Clarence River) Regulation
2005

Fisheries Management (General) Amendment (Clarence River) Regulation 2005

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Clarence River) Regulation 2005*.

2 Amendment of Fisheries Management (General) Regulation 2002

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

Fisheries Management (General) Amendment (Clarence River) Regulation
2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 41 Meshing net

Insert after clause 41 (7):

- (7A) If the net is used in the waters of the Clarence River (including the waters referred to in item 1 (a) of the Table to this clause) an alternative method of splashing (that is, shooting the net in a ring or semi-circle, remaining in attendance of the net while it is set and commencing retrieval of the net within 45 minutes of the net being shot) may be used instead of the method described in subclause (2) (a). To avoid doubt, subclauses (2) (b) and (3)–(7) do not apply when the net is being used by that alternative method of splashing.



New South Wales

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

under the

Local Courts (Civil Claims) Act 1970

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 3.75 per cent, certain court fees (as set out in the *Local Courts (Civil Claims) Regulation 2000*) payable in respect of civil proceedings before a Local Court.

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

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

under the

Local Courts (Civil Claims) Act 1970

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Local Courts (Civil Claims) Regulation 2000

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

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

| | | \$ |
|-----|---|---|
| 1 | Filing a statement of claim: | |
| (a) | in respect of a claim for an amount not exceeding \$3,000 | 130.00 (in the case of a corporation) or 65.00 (in any other case) |
| (b) | in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000 | 172.00 (in the case of a corporation) or 86.00 (in any other case) |
| (c) | in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000 | 328.00 (in the case of a corporation) or 164.00 (in any other case) |
| (d) | in respect of a claim for an amount exceeding \$40,000 | 456.00 (in the case of a corporation) or 228.00 (in any other case) |
| 2 | Filing a notice of cross-claim or a third or subsequent party notice: | |
| (a) | in respect of a claim for an amount not exceeding \$3,000 | 130.00 (in the case of a corporation) or 65.00 (in any other case) |

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| | | \$ |
|-----|--|---|
| (b) | in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000 | 172.00 (in the case of a corporation) or 86.00 (in any other case) |
| (c) | in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000 | 328.00 (in the case of a corporation) or 164.00 (in any other case) |
| (d) | in respect of a claim for an amount exceeding \$40,000 | 456.00 (in the case of a corporation) or 228.00 (in any other case) |
| 3 | Filing a notice of motion under Part 15 of the <i>Local Courts (Civil Claims) Rules 1988</i> in respect of an action commenced in the General Division | 118.00 (in the case of a corporation) or 59.00 (in any other case) |
| 4 | Filing a certificate or certified copy of conviction or order | 130.00 (in the case of a corporation) or 65.00 (in any other case) |
| 5 | Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the rehearing of an action referred for arbitration. This amount is subject to any rules providing for the refund of the whole or any part of the amount | 580.00 (in the case of a corporation) or 290.00 (in any other case) |
| 6 | Making a copy of any document or part of a document, other than as prescribed by item 8, for each page (minimum fee of \$10.00) | 2.00 |
| 7 | Supply of duplicate tape recording of sound-recorded evidence, for each cassette | 36.00 |
| 8 | For each copy of the transcript of any proceedings: | |
| (a) | for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$66.00) | 7.90 |

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

Amendment

Schedule 1

| | \$ |
|--|--|
| (b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$78.00) | 9.00 |
| 9 Except as provided by item 10, service or attempted service by an officer of the Sheriff of any process or other document, including service by post and preparation of affidavit of service—for each address at which service of the process or other document is effected or attempted | 46.00 |
| 10 Service or attempted service of a statement of claim by post—for each address at which service is effected or attempted | 29.00 |
| 11 Filing an application for a certificate of judgment (otherwise than pursuant to the <i>Service and Execution of Process Act 1992</i> of the Commonwealth) | 22.00 (in the case of a corporation) or 11.00 (in any other case) |
| 12 (a) To issue a subpoena for production | 58.00 (in the case of a corporation) or 29.00 (in any other case) |
| (b) To issue a subpoena for production and to give evidence | 58.00 (in the case of a corporation) or 29.00 (in any other case) |
| (c) To issue a subpoena to give evidence | 22.00 (in the case of a corporation) or 11.00 (in any other case) |
| 13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor—for each address at which execution of the writ or warrant is effected or attempted | 57.00 |
| 14 Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession | } As prescribed by the scale of fees under the <i>Sheriff Act 1900</i> |
| 15 Levy on writ of execution | |
| 16 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed | |

Local Courts (Civil Claims) Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| | \$ |
|--|--|
| 17 Examination of a judgment debtor by a registrar | 108.00 (in the case of a corporation) or 54.00 (in any other case) |



New South Wales

Local Courts (Transitional Fees) Amendment Regulation 2005

under the

Local Courts Act 1982

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Local Courts (Transitional Fees) Regulation 2004* (*the 2004 regulation*):

- (a) to extend the operation of the 2004 regulation by 6 months to 31 December 2005, and
- (b) to increase, by approximately 3.75 per cent, certain fees that are regulated by provisions of the *Justices (General) Regulation 2000* that, following the repeal of the *Justices Act 1902*, have been continued in force by clause 16 of Schedule 1 to the *Local Courts Act 1982*.

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

Clause 1 Local Courts (Transitional Fees) Amendment Regulation 2005

Local Courts (Transitional Fees) Amendment Regulation 2005

under the

Local Courts Act 1982

1 Name of Regulation

This Regulation is the *Local Courts (Transitional Fees) Amendment Regulation 2005*.

2 Amendment of Local Courts (Transitional Fees) Regulation 2004

The *Local Courts (Transitional Fees) Regulation 2004* is amended by omitting the matter “30 June” wherever occurring in clauses 2 and 3 and by inserting instead the matter “31 December”.

3 Further amendment of Local Courts (Transitional Fees) Regulation 2004

- (1) This clause commences on 1 July 2005.
- (2) The *Local Courts (Transitional Fees) Regulation 2004* is further amended as set out in Schedule 1.

Local Courts (Transitional Fees) Amendment Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

| | | \$ |
|----|---|-------|
| 1 | Application notice under Part 6 of the <i>Local Courts Act 1982</i> (includes issue and service of notice if required) | 65.00 |
| 2 | Court attendance notice under Chapter 4 of the <i>Criminal Procedure Act 1986</i> | 65.00 |
| 3 | Complaint under Part 15A of the <i>Crimes Act 1900</i> , or application for variation or revocation of an order under that Part | Nil |
| 4 | Application of a kind not otherwise provided for in this Schedule (includes issue and service of notice of hearing if required) | 65.00 |
| 5 | For each additional respondent in relation to a matter to which item 4 relates | 43.00 |
| 6 | Issue of subpoena: for each witness to be served | 35.00 |
| 7 | Service of subpoena: for each witness to be served | 46.00 |
| 8 | Certificate of conviction, order or dismissal | 43.00 |
| 9 | Notice of appeal to District Court: one appellant | 79.00 |
| 10 | Further notices of appeal (by the same appellant) in respect of convictions or orders made or sentences imposed, together with the conviction, order or sentence to which a notice of appeal under item 9 relates | 43.00 |
| 11 | Copy of any deposition, transcript or diskette (unless otherwise provided for under any other Act): | |
| | (a) for each page (or equivalent), where the matter being transcribed is under 3 months old | 7.90 |

Page 3

Local Courts (Transitional Fees) Amendment Regulation 2005

Schedule 1 Amendment

| | | \$ |
|----|---|-------|
| | (minimum fee for 1 to 8 pages (or equivalent) of \$66.00) | |
| | (b) for each page (or equivalent), where the matter being transcribed is 3 months old or older | 9.00 |
| | (minimum fee for 1 to 8 pages (or equivalent) of \$78.00) | |
| 12 | Copy of any document (other than a deposition, transcript or diskette), for each page (minimum fee of \$10.00) | 2.00 |
| 13 | Duplicate tape recording of sound-recorded evidence, for each cassette | 36.00 |



New South Wales

Partnership Amendment (Fees) Regulation 2005

under the

Partnership Act 1892

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Partnership Act 1892*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase certain fees payable under the *Partnership Act 1892* in line with movements in the Consumer Price Index.

This Regulation is made under the *Partnership Act 1892*, including section 81 (the general regulation-making power) and, in particular, section 81 (2) which provides for the making of regulations prescribing fees.

Clause 1 Partnership Amendment (Fees) Regulation 2005

Partnership Amendment (Fees) Regulation 2005

under the

Partnership Act 1892

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Partnership Regulation 2002

The *Partnership Regulation 2002* is amended as set out in Schedule 1.

Partnership 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 Item | Column 2 Type of Fee | Column 3 Amount for limited partnership | Column 4 Amount for incorporated limited partnership |
|--------------------------|---|---|--|
| 1 | Fee to accompany a statement under section 54 (1) of the Act (application for registration of a partnership) | \$729 | \$821 |
| 2 | Fee to accompany statement under section 56 (1) of the Act (notification of change in relation to particulars of partnership) | \$34 for up to 10 changes, plus \$1 for each additional change | \$34 for up to 10 changes, plus \$1 for each additional change |
| 3 | Fee for inspection of Register of Limited and Incorporated Limited Partnerships under section 57 (3) of the Act | \$14 per limited partnership inspected, plus \$1 per page for printed copy of any particulars relating to the partnership | \$14 per incorporated limited partnership inspected, plus \$1 per page for printed copy of any particulars relating to the partnership |
| 4 | Fee for issue under section 58 (1) of the Act, to general partners, of certificate as to formation and particulars of limited partnership or incorporated limited partnership | Nil | Nil |

Page 3

Partnership Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|---|---|---|
| Item | Type of Fee | Amount for limited partnership | Amount for incorporated limited partnership |
| 5 | Fee for issue under section 58 (2) of the Act, on application, of certificate as to formation of limited partnership or incorporated limited partnership | \$14, plus \$1 per page in excess of 5 pages | \$14, plus \$1 per page in excess of 5 pages |
| 6 | Fee for issue under section 58 (2) of the Act, on application, of certificate as to registered particulars of limited partnership or incorporated limited partnership | \$28, plus \$1 per page for each page other than the first page | \$28, plus \$1 per page for each page other than the first page |
| 7 | Fee to accompany document lodged under section 73E (1) of the Act (evidencing status as a VCLP or an AFOF) | Not applicable | \$72 |
| 8 | Fee to accompany statement lodged under section 73E (2) of the Act (that partnership is venture capital management partnership) | Not applicable | \$72 |
| 9 | Fee to accompany notice lodged under section 73E (3) of the Act (notice as to revocation of a VCLP or an AFOF or cessation of a venture capital management partnership) | Not applicable | \$72 |
| 10 | Fee to accompany notice lodged under section 73E (4) of the Act (notice as to cessation of business) | Not applicable | \$72 |



New South Wales

Roads (General) Amendment (Tolls) Regulation 2005

under the

Roads Act 1993

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

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Roads (General) Regulation 2000* to simplify the provisions relating to the payment of tolls to enable new methods of payment to be introduced by toll operators, including the payment of a road toll by means of a casual user pass that allows the user of the road to pay the required toll before, or within a specified period after, using the road. This Regulation also amends the requirements for security indicators recorded on images taken by approved toll cameras. This amendment brings the requirements into line with the requirements for security indicators recorded on images taken by speed cameras.

This Regulation is made under the *Roads Act 1993*, including sections 250A and 264 (the general regulation-making power).

Clause 1 Roads (General) Amendment (Tolls) Regulation 2005

Roads (General) Amendment (Tolls) Regulation 2005

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Roads (General) Amendment (Tolls) Regulation 2005*.

2 Amendment of Roads (General) Regulation 2000

The *Roads (General) Regulation 2000* is amended as set out in Schedule 1.

Roads (General) Amendment (Tolls) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 21A Definitions

Omit the definition of *electronic toll sign*.

[2] Clause 21A, definition of “toll collection point”

Omit the definition. Insert instead:

toll collection point means the point designated by a toll operator (by signs or otherwise) as the point at which the liability to pay a toll is incurred for driving a motor vehicle on a tollway or a particular lane of the tollway.

[3] Clause 22

Omit the clause. Insert instead:

22 Driver of vehicle to pay toll

- (1) The driver of a motor vehicle who drives the vehicle past any toll collection point is liable to pay and must not fail to pay the relevant toll to the toll operator, at or within the time and in a manner permitted by the toll operator in respect of the tollway or a particular lane of the tollway.
Maximum penalty: 5 penalty units.
- (2) A toll operator may indicate, by the use of signs (approved by the RTA), the manner of payment that is permitted in respect of the tollway or a particular lane of the tollway.
- (3) Nothing in clause 32 or 33 affects the requirement of a person to pay a toll under this clause.
- (4) A toll operator may waive a toll in respect of a particular driver or a driver belonging to a particular class of drivers.
- (5) A requirement to pay a toll includes a requirement to pay the toll in accordance with any terms and conditions (including a term requiring the payment of an administrative charge) that may be imposed by a toll operator in relation to the particular manner of payment of the toll.

[4] Clause 23 Manner of payment of toll

Omit clause 23 (1).

Roads (General) Amendment (Tolls) Regulation 2005

Schedule 1 Amendments

[5] Clause 23B Objections in relation to payment of toll

Omit clause 23B (2) (b) and (c). Insert instead:

- (b) if a toll was paid as referred to in clause 22—state the location and approximate time and date when the liability to pay the toll was alleged to have been incurred and the time and manner of the payment of that toll, and
- (c) if the objector received a written notice as referred to in paragraph (h)—include a copy of that notice or relevant details from that notice such as any reference number and the time, date, toll collection point, lane and direction of travel when the liability to pay the toll is alleged to have been incurred, and

[6] Clause 23B (2) (f)–(h)

Omit clause 23B (2) (f)–(j). Insert instead:

- (f) if the toll was paid at the toll collection point—be made within 14 days after the payment of the toll, and
- (g) if the toll was paid other than at the toll collection point—be made within 14 days after receipt by the objector of a statement from the toll operator or person approved by the toll operator indicating that the toll has been paid and the amount paid, and
- (h) if the toll was not paid—be made within 7 days after the objector is notified in writing of his or her liability to pay the toll.

[7] Clause 23D

Omit the clause. Insert instead:

23D Security indicators: section 250A (2) (b) of Act

- (1) For the purposes of section 250A (2) (b) of the Act:
 - (a) a series of 32 characters produced by an MD5 algorithm, or
 - (b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm,is prescribed as a security indicator.
- (2) For the purposes of this clause, *character* includes a letter, number or symbol.

Roads (General) Amendment (Tolls) Regulation 2005

Amendments

Schedule 1

-
- (3) This clause applies in relation to the hearing of any proceedings after the commencement of the *Roads (General) Amendment (Tolls) Regulation 2005* regardless of when the proceedings were instituted.



New South Wales

Road Transport (General) Amendment (Licence Suspension) Regulation 2005

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to enable a person to appeal to a Local Court against a suspension of the person's driver licence or authority to drive under section 34 or 35 of the *Road Transport (General) Act 1999*. This Regulation also makes amendments by way of statute law revision.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general regulation-making power) and clause 24 of Schedule 2 to that Act.

Clause 1 Road Transport (General) Amendment (Licence Suspension) Regulation
 2005

Road Transport (General) Amendment (Licence Suspension) Regulation 2005

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Licence Suspension) Regulation 2005*.

2 Commencement

This Regulation commences on 24 June 2005.

3 Amendment of Road Transport (General) Regulation 1999

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

Road Transport (General) Amendment (Licence Suspension) Regulation
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 2 Savings and transitional provisions

Omit “clerk” wherever occurring in clauses 3 (1) and (3), 4A (2) and (3), 6 (4) and (5), 9 (1) and (3) and 10A (2) and (3).

Insert instead “registrar”.

[2] Schedule 2, clauses 3 (1), 6 (1) and (2), 9 (1) and (1A) and 10A (1)

Omit “constituted by a Magistrate sitting alone” wherever occurring.

[3] Schedule 2, clause 4A (1)

Omit “constituted by a Magistrate”.

[4] Schedule 2, Part 1, Division 3

Insert “**against decision of Authority**” after “**Appeals**” in the heading to the Division.

[5] Schedule 2, Part 1, Division 3A

Insert after Division 3:

Division 3A Appeals against decision of police officer concerning licence suspension

8A Appeals to Local Court

- (1) A person may appeal to a Local Court against a decision of a police officer to give the person a suspension notice under section 34 or 35 of the Act.
- (2) Despite any other provision of this clause, an appeal under this clause does not permit review of:
 - (a) the guilt or innocence of the person concerned, or
 - (b) the imposition of a penalty or the level of a penalty imposed on the person concerned.
- (3) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 28 days after the date on which the appellant is given the suspension notice.

Road Transport (General) Amendment (Licence Suspension) Regulation
2005

Schedule 1 Amendments

-
- (4) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Commissioner of Police and to the appellant, and in the notice to the Commissioner must notify the Commissioner as to the grounds of appeal.
 - (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (4) or the failure to give any such notice if the Court is satisfied that the appellant and the Commissioner had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
 - (6) A Local Court must hear and determine an appeal made to it under this clause and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
 - (7) In determining an appeal made under this clause, a Local Court is not to vary or set aside a decision to issue a suspension notice unless it is satisfied that there are exceptional circumstances justifying a lifting or variation of the suspension.
 - (8) For the purposes of varying a decision under subclause (6), the Court may exercise only such powers as the police officer could have exercised under section 34 or 35 of the Act when making that decision.
 - (9) If in any proceedings concerning a decision of a police officer to issue a suspension notice it appears to the Court that:
 - (a) the licence of the appellant is affected by a decision of the Authority as well, and
 - (b) the appellant has commenced or intends to commence appeal proceedings under clause 6 in respect of that other decision,
 the Court may adjourn the proceedings pending hearing of that other appeal or so that both appeals may be heard together.
 - (10) The decision of a Local Court in respect of an appeal made under this clause is final and binding.

8B Stay of decision

- (1) If a person makes an appeal to a Local Court under clause 8A (1) against a decision of a police officer to give the person a suspension notice, the Local Court may make an order staying the decision, but only in exceptional circumstances.

Road Transport (General) Amendment (Licence Suspension) Regulation
2005

Amendments

Schedule 1

-
- (2) In determining exceptional circumstances for the purposes of subclause (1), a Local Court is to take into account each of the following:
- (a) the strength of the prosecution evidence,
 - (b) the affected person's need for a licence,
 - (c) the potential danger to the community if an order is made,
 - (d) any other matter that the Local Court considers to be relevant.



New South Wales

Road Transport (Driver Licensing) Amendment (Licence Suspension) 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*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to provide that the Roads and Traffic Authority is not required to approve an application for the surrender of a driver licence (and so refund part of the fee paid for issuing the licence) if the licence is suspended under section 33 or 34 of the *Road Transport (General) Act 1999*. This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20 (2) (g).

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

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

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

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

2 Commencement

This Regulation commences on 24 June 2005.

3 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 clause 37 (3) (b):

, or

- (c) the licence is suspended under section 33 or 34 of the *Road Transport (General) Act 1999*.



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to allow a court that convicts a person for a speeding offence referred to in clause 154 (3) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (exceeding speed limit by more than 45 km/h) to order a period of disqualification of less than 6 months for the offence. A court may only make such an order if the person's driver licence or authority to drive in New South Wales has been suspended for a period under section 34 or 35 of the *Road Transport (General) Act 1999* for that offence, and the disqualification period when added to the suspension period results in a total period of no less than 6 months. This Regulation also makes it clear that a period of disqualification commences on the date of conviction for the relevant offence.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power).

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Licence Suspension) Regulation 2005

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005*.

2 Commencement

This Regulation commences on 24 June 2005.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Licence Suspension) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 154 Penalties and disqualifications for speeding offences

Omit “a longer period of disqualification” from clause 154 (3).

Insert instead “a different period of disqualification determined in accordance with subclause (3A)”.

[2] Clause 154 (3A)

Insert after clause 154 (3):

(3A) Court-ordered disqualification periods under subclause (3)

In determining a different period of disqualification under subclause (3) for a person who commits a speeding offence, the court may specify a period that is:

- (a) more than 6 months, or
- (b) less than 6 months, but only if:
 - (i) the person’s driver licence or authority to drive in New South Wales has been suspended for a period (*the suspension period*) under section 34 or 35 of the *Road Transport (General) Act 1999* for that offence, and
 - (ii) the specified disqualification period when added to the suspension period results in a total period of no less than 6 months.

[3] Clause 154 (8)

Omit “subsection” wherever occurring. Insert instead “subclause”.

[4] Clause 154 (8A)

Insert before clause 154 (9):

(8A) Disqualification period commences on date of conviction

A period of disqualification imposed by or under this clause commences on the date of conviction for the offence to which it relates.



New South Wales

Road Transport (Driver Licensing) Amendment (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*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to establish new scales for motor vehicle offence demerit points. One scale comprises a national schedule of demerit points that applies in relation to similar kinds of offences committed in New South Wales and elsewhere, the other scale comprises a schedule of demerit points that applies only to offences committed in New South Wales.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 15 (Offences for which demerit points are incurred) and section 19 (the general power to make regulations).

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
 2005

Road Transport (Driver Licensing) Amendment (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 (Demerit Points) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 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 (Demerit Points) Regulation
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 36 Demerit points and offences

Omit clause 36 (1)–(3). Insert instead:

- (1) For the purposes of section 15 (1) (a) of the Act, the national schedule of demerit points comprises the offences set out in Columns 1 and 2 of Schedule 1, and the points specified in relation to each offence set out in Column 3 of Schedule 1.
- (2) For the purposes of section 15 (1) (b) of the Act, the offences set out in Columns 1 and 2 of Schedule 2, and the points specified in relation to each offence set out in Column 3 of Schedule 2, are prescribed.
- (3) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence committed over a long weekend (other than an offence of another jurisdiction) is the number of points specified in Column 4 of Schedule 1 or 2, as the case may be, in respect of the offence.

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

[2] Schedules 1 and 2

Omit Schedule 1. Insert instead:

Schedule 1 National schedule of demerit point offences

(Clause 36 (1) and (3))

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|-------------------------|-----------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 20 | Exceeding speed limit: | | |
| | (a) where the speed limit is exceeded by more than 45km/h | 6 | 12 |
| | (b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h | 4 | 8 |
| | (c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h | 3 | 6 |
| | (d) where the speed limit is exceeded by not more than 15km/h | 3 | 6 |
| Rule 27, 28, 29, 31, 32, 33 or 43 | Turning improperly | 2 | 2 |
| Rule 37, 39, 40, 41 or 42 | Make unlawful U-turn | 2 | 2 |
| Rule 38, 62, 63 (3), 64, 72 (1), 73, 74, 75, 84, 87, 114, 148 or 149 | Failing to give way | 3 | 3 |
| Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (3) or 48 (3) respectively | Not give proper signal when driving out from side of road | 2 | 2 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 46 (1) or 48 (1) (but only in the circumstances referred to in rule 46 (2) or 48 (2) respectively), 53, 112, 113, 117 or 118 (1) | Changing direction or stopping without signalling | 2 | 2 |
| Rule 56 or 59, but only at traffic lights other than traffic lights at toll booths | Disobeying traffic light | 3 | 3 |
| Rule 57, 60, 61, 63 (2) or 66 (except at level crossing) or Part 17 | Disobeying traffic light | 3 | 3 |
| Rule 65 (2) (a), 80, 81 (2), 121 or 122 | Failing to stop or give way at pedestrian, children's or level crossing | 3 | 3 |
| Rule 65 (2) (b) | Obstruct pedestrian—flashing yellow light | 3 | 3 |
| Rule 65 (2) (c) | Overtake/pass vehicle—flashing yellow light | 3 | 3 |
| Rule 67, 68, 69, 71 or 101 | Disobeying stop (including hand-held stop) or give way sign or line | 3 | 3 |
| Rule 70 | Disobey give way sign on bridge/narrow road | 3 | 3 |
| Rule 76 (1) | Drive into path of approaching tram | 3 | 3 |
| Rule 76 (2) | Not move out of path of approaching tram | 3 | 3 |
| Rule 77 (1) | Driver in left lane/traffic line not give way to bus | 3 | 3 |
| Rule 78 (1) | Move into path of police or emergency vehicle | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 78 (2) | Not move out of path of police or emergency vehicle | 3 | 3 |
| Rule 79 (1) | Not give way to police or emergency vehicle | 3 | 3 |
| Rule 81 (1) | Approach pedestrian crossing too quickly to stop safely if necessary | 3 | 3 |
| Rule 82 | Overtake or pass vehicle—children's or pedestrian crossing | 3 | 3 |
| Rule 83 | Not give way to pedestrian in shared zone | 3 | 3 |
| Rule 85 | Not give way to vehicle in/entering turning lane | 3 | 3 |
| Rule 86 (1) | Not give way to vehicle (median turning bay) | 3 | 3 |
| Rule 88, 89, 90 or 91 | Disobey traffic sign | 2 | 2 |
| Rule 93, 94 or 143 | Overtake/pass vehicle contrary to sign | 2 | 2 |
| Rule 115 | Not drive to left of central traffic island in the roundabout | 2 | 2 |
| Rule 123 (a) | Enter a level crossing when warning lights or bells operating | 3 | 3 |
| Rule 123 (b) | Enter a level crossing when gate, boom or barrier is closed, opening or closing | 3 | 3 |
| Rule 123 (c) | Enter a level crossing when a train or tram is on or entering the crossing | 3 | 3 |
| Rule 123 (d) | Enter a level crossing when a train or tram is approaching the crossing | 3 | 3 |
| Rule 123 (e) | Enter a level crossing when crossing or road beyond is blocked | 3 | 3 |
| Rule 126 | Following too closely | 3 | 3 |
| Rule 129 | Not drive far left side of road | 2 | 2 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 130, 131, 132 or 135 | Failing to keep left | 3 | 3 |
| Rule 140 | Overtake vehicle when unsafe | 3 | 3 |
| Rule 141 | Overtake to left of vehicle | 2 | 2 |
| Rule 142 (1) | Overtake to right of vehicle turning right/making U-turn | 3 | 3 |
| Rule 144 | Fail to keep safe distance when overtaking | 3 | 3 |
| Rule 152 | Disobey overhead lane control device | 3 | 3 |
| Rule 162, 163 or 164 | Unlawfully driving past safety zone or stopped tram or failing to give way to pedestrian crossing near stopped tram | 2 | 2 |
| Rule 218 | Failure to dip headlights | 1 | 1 |
| Rule 219 | Use lights to dazzle another road user | 1 | 1 |
| Rule 264 | Driver not wearing seat belt (no unrestrained passengers) | 3 | 6 |
| Rule 266 | Driving with unrestrained passengers under the age of 16 years | 3 | 6 |
| Rule 270 (1) (a) | Ride motor bike without helmet (rider alone) | 3 | 6 |
| Rule 288 (4) | Driver not give way to user/animal on path | 3 | 3 |
| Rule 289 (2) | Driver not give way to road user/animal on nature strip | 3 | 3 |
| Rule 304 | Fail to obey police direction | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Road Transport (Safety and Traffic Management) Act 1999

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------------------------|------------------------|-------------------------|-----------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Section 42 (1) (c) | Negligent driving | 3 | 3 |

Road Transport (Vehicle Registration) Regulation 1998

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------------------------|--|-------------------------|-----------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 84 (2) | Use vehicle contrary to a defect notice: | | |
| | (a) in case of a major defect | 3 | 3 |
| | (b) in case of a minor defect | 1 | 1 |

Schedule 2 Additional demerit point offences

(Clause 36 (2) and (3))

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|-------------------------|-----------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (4) or 48 (4) respectively | Not stop change of direction signal after change | 2 | 2 |
| Rule 51 | Operate indicator light unlawfully | 2 | 2 |
| Rule 92 (1) | Disobey traffic sign/road marking at intersection | 2 | 2 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 95 (1) | Drive in emergency stopping lane | 2 | 2 |
| Rule 96 (1) | Stop on area marked with keep clear marking | 2 | 2 |
| Rule 97 (1) | Disobey road access sign | 2 | 2 |
| Rule 98 (1) | Disobey one-way sign | 2 | 2 |
| Rule 99 | Disobey keep left/right sign | 2 | 2 |
| Rule 100 | Disobey no entry sign | 2 | 2 |
| Rule 108 | Disobey trucks and buses low gear sign | 3 | 3 |
| Rule 111 (1), 116 or 118 (2) | Drive contrary to roundabout rules | 2 | 2 |
| Rule 124 | Fail to leave a level crossing | 3 | 3 |
| Rule 127 | Long vehicle following other long vehicle too closely, otherwise than where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 3 | 3 |
| Rule 127 | Long vehicle following other long vehicle too closely, where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 4 | 4 |
| Rule 136 | Drive wrong way on one-way service road | 3 | 3 |
| Rule 137 | Drive on dividing strip | 2 | 2 |
| Rule 138 (1) | Drive on/over continuous line near painted island | 2 | 2 |
| Rule 145 | Increase speed while being overtaken | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 146 | Not drive within single marked lane or line of traffic, otherwise than where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 2 | 2 |
| Rule 146 | Not drive within single marked lane or line of traffic, where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 4 | 4 |
| Rule 147 | Cross continuous line separating marked lanes, otherwise than where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 2 | 2 |
| Rule 147 | Cross continuous line separating marked lanes, where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 4 | 4 |
| Rule 150 | Drive on/over continuous white edge line, where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 4 | 4 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 150 | Drive on/over continuous white edge line, where vehicle driven is: (a) not a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 2 | 2 |
| Rule 150 | Drive on/over continuous white edge line, where vehicle driven is not in a Safe-T-Cam zone | 2 | 2 |
| Rule 154 | Drive in bus lane | 3 | 3 |
| Rule 157 | Drive in truck lane | 3 | 3 |
| Rule 159 | Bus or truck driver fail to drive in bus lane or in truck lane where required | 3 | 3 |
| Rule 171 (1) | Stop on/near children's crossing | 1 | 1 |
| Rule 172 (1) | Stop on/near pedestrian crossing | 1 | 1 |
| Rule 173 (1) | Stop on/near marked foot crossing | 1 | 1 |
| Rule 175 (1) | Stop on/near level crossing | 1 | 1 |
| Rule 268 (3) | Part of body outside vehicle window/door (driver) | 3 | 3 |
| Rule 268 (4) | Drive with part of passenger's body outside window/door | 3 | 3 |
| Rule 270 (1) (a) and (b) | Ride motor bike without helmet and with one passenger only not wearing helmet | 6 | 12 |
| Rule 270 (1) (a) and (b) | Ride motor bike without helmet and with 2 or more passengers not wearing helmets | 9 | 18 |
| Rule 270 (1) (b) | Ride motor bike with one passenger not wearing helmet | 3 | 6 |
| Rule 270 (1) (b) | Ride motor bike with 2 or more passengers not wearing helmets | 6 | 12 |
| Rule 271 (1) (a) | Not sit astride on motor bike rider's seat | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 271 (4) | Unauthorised carriage of pillion passenger on motor bike or motor trike | 3 | 3 |
| Rule 271 (5) | Exceed number of passengers in motor bike side car | 3 | 3 |
| Rule 287 | Not stop and supply required particulars at scene of crash | 3 | 3 |
| Rule 288 (1) | Drive on path | 3 | 3 |
| Rule 289 (1) | Drive on nature strip | 3 | 3 |
| Rule 290 | Drive on traffic island | 3 | 3 |
| Rule 291 | Start or drive a vehicle causing unnecessary noise or smoke | 3 | 3 |
| Rule 292 (a) | Drive/tow vehicle with unsecured load | 3 | 3 |
| Rule 292 (b) | Drive/tow vehicle with load causing instability | 3 | 3 |
| Rule 292 (c) | Drive/tow vehicle with overhanging load | 3 | 3 |
| Rule 293 (2) | Not remove/have removed any thing fallen/put upon road | 3 | 3 |
| Rule 294 (1) | Tow without appropriate control of towed vehicle | 3 | 3 |
| Rule 294 (2) (a) | Tow without control of trailer | 3 | 3 |
| Rule 294 (2) (b) | Tow trailer when unsafe | 3 | 3 |
| Rule 295 (1) and (2) | Not keep required distance (towing with towline) | 2 | 2 |
| Rule 295 (1) and (3) | Not keep required distance (towing with towline—motor bike) | 2 | 2 |
| Rule 295 (1), (4) and (5) (a) | Warning material not correct shape/length | 2 | 2 |
| Rule 295 (1), (4) and (5) (b) | Warning material not in correct position | 2 | 2 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|--|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Rule 295 (1), (4) and (5) (c) | Warning material not visible | 2 | 2 |
| Rule 296 (1) | Not reverse vehicle safely | 2 | 2 |
| Rule 297 | Not have proper control of vehicle | 3 | 3 |
| Rule 298 | Tow trailer with person in/on trailer | 3 | 3 |
| Rule 299 (1) (a) | Drive vehicle with TV/VDU image visible | 3 | 3 |
| Rule 300 | Use hand-held mobile phone while driving | 3 | 3 |

Protection of the Environment Operations (Noise Control) Regulation 2000

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|--|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 17A (1) | Driver of a motor vehicle with a sound system driving or using the motor vehicle on a road or road related area where the sound system emits offensive noise | 2 | 2 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Road Transport (Driver Licensing) Regulation 1999

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 12 (1) (a) | Unaccompanied learner | 2 | 2 |
| Clause 12 (1) (b) | Learner driver not display "L" plates | 2 | 2 |
| Clause 12 (2) (a) | Unauthorised carriage of pillion passenger | 2 | 2 |
| Clause 12 (2) (b) | Learner rider not display "L" plates | 2 | 2 |
| Clause 12 (3) | Ride motorcycle of prohibited capacity/power | 2 | 2 |
| Clause 13 | Learner tow other vehicle | 2 | 2 |
| Clause 15 (6) (a) | Drive vehicle towing excess weight | 2 | 2 |
| Clause 15 (6) (b) | Ride motor bike or motor trike towing other vehicle | 2 | 2 |
| Clause 56 | Not comply with conditions of licence | 2 | 2 |

Road Transport (Safety and Traffic Management) Act 1999

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|--|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Section 41 (1) | Burnout | 3 | 3 |
| Section 41 (2) | Aggravated burnout | 4 | 4 |
| Section 48 (2) | Stand vehicle with speed evasion article | 9 | 9 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 38 (1), (5) or (6) or 39 | Exceeding speed limit: | | |
| | (a) where the speed limit is exceeded by more than 45km/h | 6 | 12 |
| | (b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h | 4 | 8 |
| | (c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h | 3 | 6 |
| | (d) where the speed limit is exceeded by not more than 15km/h | 3 | 6 |
| Clause 40 | Pass bus at speed in excess of 40 km/h: | | |
| | (a) where the motor vehicle is driven at a speed that exceeds 85 km/h | 6 | 12 |
| | (b) where the motor vehicle is driven at a speed that exceeds 70 km/h but does not exceed 85 km/h | 4 | 8 |
| | (c) where the motor vehicle is driven at a speed that exceeds 55 km/h but does not exceed 70 km/h | 3 | 6 |
| | (d) where the motor vehicle is driven at a speed that exceeds 40 km/h but does not exceed 55 km/h | 3 | 6 |
| Clause 45 (1) | Driver convey passenger unsafely seated (trailer) | 3 | 3 |
| Clause 45A (1) or 47A (1) | Unauthorised carriage of pillion passenger on motor trike or motor bike | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 46 | Use vehicle when child is in child restraint in front seat position where airbag fitted | 3 | 6 |
| Clause 47 (2) (a), but only in the circumstances referred to in clause 47 (1) (a) | Rider unlawfully carry passenger | 3 | 3 |
| Clause 47 (2) (a), but only in the circumstances referred to in clause 47 (1) (b) | Rider carry passenger not safely seated in sidecar | 3 | 3 |
| Clause 47B | Drive vehicle with one unrestrained passenger | 3 | 6 |
| Clause 47B | Drive vehicle with 2 or more unrestrained passengers | 6 | 12 |
| Clause 47B | Drive vehicle not wearing seatbelt and with one unrestrained passenger only | 6 | 12 |
| Clause 47B | Drive vehicle not wearing seatbelt and with 2 or more unrestrained passengers | 9 | 18 |
| Clause 47C (2) | Learner or P1 or P2 driver drive vehicle unrestrained (no restraint fitted) | 3 | 6 |
| Clause 47C (2) | Learner or P1 or P2 driver drive vehicle with unrestrained passenger | 3 | 6 |
| Clause 47D | Driver drive with person in or on the boot of motor vehicle | 3 | 6 |
| Clause 47E | Driver consume alcohol while driving | 3 | 3 |
| Clause 48 (1) (a) | Articulated vehicle tow other vehicle | 3 | 3 |
| Clause 48 (1) (b) | Motor vehicle tow more than one vehicle | 3 | 3 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Amendments

Schedule 1

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|--|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 49 (1) (a) | Towed vehicle exceed towing capacity | 3 | 3 |
| Clause 49 (1) (b) | Towed vehicle exceed maximum laden weight | 3 | 3 |
| Clause 53 (1) | Driving at night/dark without headlight alight, otherwise than where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 1 | 1 |
| Clause 53 (1) | Driving at night/dark without headlight alight, where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone | 4 | 4 |
| Clause 96B (1) | Drive in T-Way lane | 3 | 3 |

Road Transport (Vehicle Registration) Act 1997

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|-------------------------------|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Section 18 (1), in relation only to a class B or class C motor vehicle (that is, a motor vehicle, or motor vehicle and trailer combination, with a GVM or GCM exceeding 4.5 tonnes) | Use unregistered vehicle | 4 | 4 |

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Schedule 1 Amendments

Road Transport (Vehicle Registration) Regulation 1998

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------------------|---|--------------------------------|------------------------------------|
| Provision creating offence | Description of offence | Standard demerit points | Long weekend demerit points |
| Clause 57 (1) (a) | Use vehicle with defective brakes | 3 | 3 |
| Clause 57 (1) (a) | Use vehicle with defective steering | 3 | 3 |
| Clause 57 (1) (a) | Use vehicle with seatbelt missing/defective | 3 | 3 |
| Clause 57 (1) (a) | Use vehicle with defective seating | 3 | 3 |
| Clause 57 (1) (a) | Use vehicle not fitted/equipped with seat belts/anchorage | 3 | 3 |
| Clause 57 (1) (a) | Use vehicle with dangerous protrusion on bullbar | 3 | 3 |
| Clause 85 (1) (a) | Use vehicle without correctly affixed/displayed number-plates | 3 | 3 |
| Clause 85 (1) (b) | Use vehicle with unauthorised number-plate | 3 | 3 |
| Clause 85 (1) (c) | Use vehicle with obscured/defaced/illegible number-plate | 3 | 3 |
| Clause 85 (1) (c) | Use vehicle with illegal number-plate | 3 | 3 |
| Clause 85 (2) (a) | Use vehicle displaying altered number-plate | 3 | 3 |
| Clause 85 (2) (b) | Use vehicle displaying misleading number-plate | 3 | 3 |



New South Wales

Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2005

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to establish a new scale of penalties for motor vehicle offences that are dealt with by way of penalty notice. The new scale has 15 levels of penalty, ranging from \$50 (level 1) to \$2,350 (level 15).

This Regulation is made under the *Road Transport (General) Act 1999*, including section 3 (1) (the definition of *authorised officer*), section 15 (Penalty notices for certain offences) and section 71 (the general power to make regulations).

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment
 Regulation 2005

Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2005

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 5A

Insert after clause 5:

5A Penalty levels

For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:

Level 1 means a penalty of \$50.

Level 2 means a penalty of \$75.

Level 3 means a penalty of \$125.

Level 4 means a penalty of \$175.

Level 5 means a penalty of \$225.

Level 6 means a penalty of \$300.

Level 7 means a penalty of \$375.

Level 8 means a penalty of \$450.

Level 9 means a penalty of \$575.

Level 10 means a penalty of \$725.

Level 11 means a penalty of \$900.

Level 12 means a penalty of \$950.

Level 13 means a penalty of \$1,175.

Level 14 means a penalty of \$1,550.

Level 15 means a penalty of \$2,350.

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

[2] **Schedule 2**

Omit the Schedule. Insert instead:

Schedule 2 Penalty notice offences

(Clause 5)

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Rule 20: | | |
| (a) in the case of a class A motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 2 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 5 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |
| (b) in the case of a class B motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |
| (c) in the case of a class C motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 11 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 15 |
| Rule 27 (1); Rule 28 (1); Rule 29; Rule 31; Rule 32 (1); Rule 33 (1) and (2); Rule 33 (1) and (3); Rule 88; Rule 89; Rule 90; Rule 91; Rule 92 (1); Rule 98 (1); Rule 99; Rule 100: | | |
| (a) in relation to the use of a motor vehicle | Class 1 | Level 4 |
| (b) in relation to the use of any other vehicle | Class 1 | Level 1 |
| Rule 37; Rule 39; Rule 40; Rule 41; Rule 42; Rule 43; Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 111; Rule 115 (1); Rule 116; Rule 125 (1); Rule 128; Rule 143; Rule 155 (1); Rule 156 (1); Rule 295 (1) and (2); Rule 295 (1) and (3) | Class 1 | Level 4 |
| Rule 38; Rule 62; Rule 63; Rule 64 (a); Rule 64 (c); Rule 65 (2) (a); Rule 65 (2) (b); Rule 67 (1); Rule 68 (1); Rule 69 (1); Rule 70; Rule 71 (1); Rule 72 (1); Rule 73 (1); Rule 74 (1); Rule 75 (1); Rule 76 (1); Rule 76 (2); Rule 77 (1); Rule 84 (1) (a); Rule 84 (1) (b); Rule 85; Rule 86 (1); Rule 87; Rule 101; Rule 108 (1); Rule 114; Rule 136; Rule 140; Rule 142 (1); Rule 144; Rule 145; Rule 148; Rule 149; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 224; Rule 264 (1); Rule 265 (1); Rule 266 (1); Rule 268; Rule 269 (1); Rule 269 (3); Rule 269 (4); Rule 270 (1) (a); Rule 270 (2); Rule 271 (1) (a); Rule 271 (2) (a); Rule 271 (2) (a) and (3); Rule 271 (4); Rule 271 (5); Rule 287; Rule 288; Rule 289; Rule 290; Rule 297 (2); Rule 298; Rule 299 (1); Rule 300 | Class 1 | Level 5 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53; Rule 102 (1); Rule 105; Rule 107; Rule 112; Rule 113; Rule 117; Rule 118 (1); Rule 118 (2); Rule 141 (1); Rule 153 (1); Rule 162 (1); Rule 163 (1); Rule 164 (1); Rule 222 (2); Rule 295 (1), (4) and (5) (a); Rule 295 (1), (4) and (5) (b); Rule 295 (1), (4) and (5) (c); Rule 296 (1) | Class 1 | Level 3 |
| Rule 56 (1), otherwise than at toll booth: | | |
| (a) in relation to the use of a motor vehicle | Class 1 | Level 6 |
| (b) in relation to the use of any other vehicle | Class 1 | Level 1 |
| Rule 56 (1), at toll booth; Rule 59 (1), at toll booth | Class 1 | Level 3 |
| Rule 56 (2); Rule 80; Rule 81; Rule 82; Rule 83: | | |
| (a) in relation to the use of a motor vehicle | Class 1 | Level 6 |
| (b) in relation to the use of any other vehicle | Class 1 | Level 1 |
| Rule 57; Rule 60; Rule 61; Rule 64 (b); Rule 65 (2) (c); Rule 66; Rule 78 (1); Rule 78 (2); Rule 79 (1); Rule 121; Rule 122; Rule 123; Rule 124; Rule 126; Rule 152; Rule 274; Rule 275; Rule 277; Rule 279; Rule 281; Rule 282; Rule 284; Rule 286; Rule 294; Rule 297 (1) | Class 1 | Level 6 |
| Rule 59 (1), otherwise than at toll booth | Class 1 | Level 6 |
| Rule 103 | Class 1, 2, 14 | Level 4 |
| Rule 104: | | |
| (a) in relation to any length of road other than the length of road referred to in paragraph (b) | Class 1, 2, 14 | Level 3 |
| (b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge | Class 1, 2, 14 | Level 14 |
| Rule 106 | Class 1, 2, 14 | Level 3 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Rule 119; Rule 141 (2); Rule 151; Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 232 (3); Rule 232 (4); Rule 233; Rule 234; Rule 235; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; Rule 246; Rule 247 (1); Rule 248; Rule 249; Rule 250; Rule 251; Rule 252 (1); Rule 253; Rule 254; Rule 255; Rule 256; Rule 257 (1); Rule 258; Rule 259; Rule 260; Rule 261 (1); Rule 262; Rule 301; Rule 302; Rule 303 | Class 1 | Level 1 |
| Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 11 |
| Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 6 |
| Rule 129 (1); Rule 137 (1); Rule 138 (1): | | |
| (a) in relation to the use of a motor vehicle | Class 1 | Level 4 |
| (b) in relation to the use of any other vehicle | Class 1 | Level 1 |
| Rule 130; Rule 131; Rule 132; Rule 135 (1): | | |
| (a) in relation to the use of a motor vehicle | Class 1 | Level 5 |
| (b) in relation to the use of any other vehicle | Class 1 | Level 1 |
| Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 11 |
| Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 4 |
| Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 4 |
| Rule 160; Rule 161; Rule 212; Rule 213 (2); Rule 215; Rule 216; Rule 217 (1); Rule 218; Rule 219; Rule 221; Rule 271 (1) (b); Rule 271 (1) (c); Rule 271 (2) (b); Rule 271 (2) (b) and (3); Rule 272; Rule 296 (2) | Class 1 | Level 2 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Rule 167, in relation to a sign bearing the words “no stopping” | Class 1, 12, 16 | Level 4 |
| Rule 167, in relation to a sign bearing the words “no standing” | Class 1, 12, 16 | Level 2 |
| Rule 168 (1) | Class 1, 12, 16 | Level 2 |
| Rule 169; Rule 170; Rule 176 (1); Rule 177 (1); Rule 178; Rule 187 | Class 1, 12, 16 | Level 4 |
| Rule 171 (1); Rule 172 (1); Rule 173 (1); Rule 174 (2); Rule 175 (1) | Class 1, 12 | Level 5 |
| Rule 179; Rule 180 (1); Rule 181 (1); Rule 190 (1); Rule 208 (1) and (2) | Class 1, 12 | Level 3 |
| Rule 182 (1); Rule 196 (1) | Class 1, 4, 12 | Level 3 |
| Rule 183 (1) | Class 1, 3, 4, 12 | Level 4 |
| Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane | Class 1, 3, 4, 12 | Level 3 |
| Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane | Class 1, 3, 4, 12 | Level 2 |
| Rule 185 (1); Rule 186 (1) | Class 1, 4, 12 | Level 2 |
| Rule 188; Rule 193 (1); Rule 194 (1); Rule 197 (1); Rule 198; Rule 199 (1); Rule 200; Rule 201; Rule 202; Rule 205; Rule 208 (1) and (3); Rule 208 (1) and (4); Rule 208 (1) and (5); Rule 208 (1) and (7); Rule 208 (1) and (8); Rule 209 (2); Rule 210 (1); Rule 211 | Class 1, 12 | Level 2 |
| Rule 189; Rule 208 (1) and (6) | Class 1, 12 | Level 4 |
| Rule 191; Rule 192 | Class 1, 12, 16 | Level 3 |
| Rule 195 (1) | Class 1, 4, 12 | Level 4 |
| Rule 203 (1) | Class 1, 12 | Level 7 |
| Rule 220 (1) | Class 1, 2, 12 | Level 2 |
| Rule 226; Rule 227 | Class 1, 2 | Level 2 |
| Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only) | Class 1 | Level 8 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Australian Road Rules

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers) | Class 1 | Level 10 |
| Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers) | Class 1 | Level 12 |
| Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers) | Class 1 | Level 13 |
| Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only) | Class 1 | Level 5 |
| Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers) | Class 1 | Level 8 |
| Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers) | Class 1 | Level 10 |
| Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers) | Class 1 | Level 12 |
| Rule 291 | Class 1, 2 | Level 5 |
| Rule 292 (a); Rule 292 (b) | Class 1, 2, 12 | Level 6 |
| Rule 292 (c) | Class 1, 2 | Level 6 |
| Rule 293 (2) | Class 1, 2, 16 | Level 6 |
| Rule 304 (1) | Class 1, 16 | Level 5 |

Local Government Act 1993

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)); Section 650 (4); Section 650 (5) | Class 1, 6, 7, 12 | Level 2 |
| Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (c)—space for the use of persons with disabilities) | Class 1, 6, 7, 12 | Level 7 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Motor Accidents Compensation Act 1999

| Column 1 | Column 2 | Column 3 |
|------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 8 | Class 1, 2, 4 | Level 8 |

Motor Vehicles Taxation Act 1988

| Column 1 | Column 2 | Column 3 |
|------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 9 | Class 1, 2 | Level 8 |

Road Transport (Driver Licensing) Act 1998

| Column 1 | Column 2 | Column 3 |
|------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 23 | Class 1 | Level 9 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Driver Licensing) Act 1998

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 25 (1) (a); Section 25 (1) (b): | | |
| (a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence): | | |
| (i) for the first offence, or the first offence within the last 5 years | Class 1, 2 | Level 7 |
| (ii) for the second or subsequent offence within the last 5 years | Class 1, 2 | Level 9 |
| (b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence): | | |
| (i) for the first offence, or the first offence within the last 5 years | Class 1, 2 | Level 8 |
| (ii) for the second or subsequent offence within the last 5 years | Class 1, 2 | Level 11 |
| (c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months: | | |
| (i) for the first offence, or the first offence within the last 5 years | Class 1, 2 | Level 7 |
| (ii) for the second or subsequent offence within the last 5 years | Class 1, 2 | Level 9 |
| (d) where the driver held a licence under the Act that had expired less than 2 years before: | | |
| (i) for the first offence, or the first offence within the last 5 years | Class 1, 2 | Level 7 |
| (ii) for the second or subsequent offence within the last 5 years | Class 1, 2 | Level 9 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Driver Licensing) Act 1998

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (e) where the driver held a licence under the Act that had expired 2 years or more before: | | |
| (i) for the first offence, or the first offence within the last 5 years | Class 1, 2 | Level 8 |
| (ii) for the second or subsequent offence within the last 5 years | Class 1, 2 | Level 11 |
| (f) where the driver had never been licensed within the meaning of section 25 (4) (for the first offence only) | Class 1, 2 | Level 9 |

Road Transport (Driver Licensing) Regulation 1999

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 12 (1) (a) | Class 1 | Level 9 |
| Clause 12 (1) (b); Clause 12 (2) (a); Clause 12 (2) (b); Clause 13; Clause 15 (6) (a); Clause 15 (6) (b) | Class 1 | Level 4 |
| Clause 12 (3) | Class 1 | Level 7 |
| Clause 12 (4); Clause 12 (5) (a); Clause 12 (5) (b); Clause 30 (1) (a); Clause 30 (1) (b); Clause 55 (5) | Class 1 | Level 2 |
| Clause 56 (where the licence concerned is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne but otherwise than in relation to a condition relating to a 90 km/h speed limit): | | |
| (a) for the first offence, or the first offence within the last 5 years | Class 1 | Level 7 |
| (b) for the second or subsequent offence within the last 5 years | Class 1 | Level 9 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Driver Licensing) Regulation 1999

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 56 (otherwise than where the licence concerned is an interlock driver licence or where the licence is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne and otherwise than in relation to a condition relating to a 90 km/h speed limit): | | |
| (a) in relation to licence conditions generally | Class 1 | Level 4 |
| (b) in relation to P plates for holders of P1 licences of class C | Class 1 | Level 4 |
| (c) in relation to P plates for holders of P1 licences of class R | Class 1 | Level 4 |
| (d) in relation to P plates for holders of P2 licences | Class 1 | Level 4 |
| Clause 56, in relation to a condition relating to a 90 km/h speed limit | Class 1 | Level 4 |
| Clause 57; Clause 58 | Class 1, 2 | Level 2 |

Road Transport (General) Act 1999

| Column 1 | Column 2 | Column 3 |
|--------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 19 (2) (a) | Class 1 | Level 2 |

Road Transport (Safety and Traffic Management) Act 1999

| Column 1 | Column 2 | Column 3 |
|--------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 41 (1) | Class 1 | Level 8 |
| Section 41 (2) | Class 1 | Level 9 |
| Section 42 (1) (c) | Class 1 | Level 6 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Safety and Traffic Management) Act 1999

| Column 1 | Column 2 | Column 3 |
|----------------------------|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 48; Section 49 (3) | Class 1 | Level 13 |
| Section 76 (7) | Class 1, 2 | Level 5 |

Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 19 (3); Clause 20 (3); Clause 21; Clause 28 (3); Clause 29 (2); Clause 30 (3); Clause 34 (1); Clause 35 (4); Clause 36 (4); Clause 37; Clause 40 (4); Clause 48; Clause 49; Clause 50 (2); Clause 51 (2); Clause 52; Clause 54 (3); Clause 56 (1); Clause 57 (1); Clause 58; Clause 60; Clause 61; Clause 62; Clause 63 (3); Clause 64; Clause 65; Clause 66 (1); Clause 67; Clause 69; Clause 70; Clause 71 (1); Clause 72; Clause 73; Clause 75; Clause 76; Clause 77; Clause 78; Clause 93 (2); Clause 95 (1); Clause 96; Clause 97 (4); Clause 119 (2); Clause 125; Clause 130 (3); Clause 134 (2); Clause 135; Clause 136 (3); Clause 137 (2) | Class 1, 2, 4 | Level 4 |

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 38 (1): | | |
| (a) in the case of a class B motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

**Road Transport (Safety and Traffic Management) (Road Rules)
Regulation 1999**

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |
| (b) in the case of a class C motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 11 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 15 |
| Clause 38 (4); Clause 38 (5); Clause 38 (6): | | |
| (a) in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 2 |
| (b) in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 5 |
| (c) in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (d) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

**Road Transport (Safety and Traffic Management) (Road Rules)
Regulation 1999**

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 40 (1): | | |
| (a) in the case of a class A motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 2 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 5 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |
| (b) in the case of a class B motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14 |
| (c) in the case of a class C motor vehicle: | | |
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

**Road Transport (Safety and Traffic Management) (Road Rules)
Regulation 1999**

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 11 |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 15 |
| Clause 42 (1); Clause 94 (3); Clause 94 (4); Clause 94 (5); Clause 95 (4); Clause 96 | Class 1, 2 | Level 3 |
| Clause 43 | Class 1, 2, 16 | Level 3 |
| Clause 44 | Class 1 | Level 3 |
| Clause 45; Clause 47 (2) (a); Clause 47 (2) (b); Clause 45A (1); Clause 46 (1); Clause 47A (1); Clause 47C (2); Clause 47C (3); Clause 47D; Clause 47E; Clause 96B (1) | Class 1 | Level 5 |
| Clause 47 (2) (c); Clause 54 (1); Clause 55 (a); Clause 55 (b); Clause 55 (c); Clause 55 (e); Clause 84; Clause 85 (1); Clause 86; Clause 90 (1) | Class 1 | Level 2 |
| Clause 47B (where driver wearing seatbelt drives with one unrestrained passenger only) | Class 1 | Level 5 |
| Clause 47B (where driver wearing seatbelt drives with 2 unrestrained passengers) | Class 1 | Level 8 |
| Clause 47B (where driver wearing seatbelt drives with 3 unrestrained passengers) | Class 1 | Level 10 |
| Clause 47B (where driver wearing seatbelt drives with 4 or more unrestrained passengers) | Class 1 | Level 12 |
| Clause 47B (where driver not wearing seatbelt drives with one unrestrained passenger only) | Class 1 | Level 8 |
| Clause 47B (where driver not wearing seatbelt drives with 2 unrestrained passengers) | Class 1 | Level 10 |
| Clause 47B (where driver not wearing seatbelt drives with 3 unrestrained passengers) | Class 1 | Level 12 |
| Clause 47B (where driver not wearing seatbelt drives with 4 or more unrestrained passengers) | Class 1 | Level 13 |
| Clause 48 (1); Clause 49 (1) | Class 1, 2 | Level 6 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

**Road Transport (Safety and Traffic Management) (Road Rules)
Regulation 1999**

| Column 1 | Column 2 | Column 3 |
|--|-------------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 50 (1); Clause 56 (1); Clause 90 (2) | Class 1, 2 | Level 2 |
| Clause 53 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 11 |
| Clause 53 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone | Class 1 | Level 2 |
| Clause 59 (2) | Class 1 | Level 6 |
| Clause 60 (1) | Class 1, 8, 9, 10, 12, 15, 16 | Level 2 |
| Clause 61; Clause 62; Clause 63 (2); Clause 64; Clause 65 (a); Clause 65 (b); Clause 66; Clause 67; Clause 68 (2); Clause 70 (b); Clause 71; Clause 72; Clause 73 (2); Clause 76 (3) (a); Clause 77; Clause 78 (2) | Class 1, 12, 15 | Level 2 |
| Clause 69; Clause 70 (a); Clause 74; Clause 76 (3) (b); Clause 76 (3) (c); Clause 76 (4) | Class 1, 12, 15 | Level 7 |
| Clause 79 (1) | Class 1, 12, 15, 16 | Level 4 |
| Clause 88; Clause 96A | Class 1 | Level 1 |
| Clause 93; Clause 94 (2); Clause 95 (3) | Class 1, 2 | Level 5 |
| Clause 96B (2) | Class 1, 12, 16 | Level 5 |
| Clause 123A (1) | Class 1, 12 | Level 2 |
| Clause 126K; Clause 126L; Clause 126M; Clause 126N (2); Clause 126O (3); Clause 126P (6) | Class 1, 12 | Level 7 |
| Clause 132 (1); Clause 132 (2); Clause 132 (3) | Class 1, 2, 12, 16 | Level 3 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Vehicle Registration) Act 1997

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 18 (1): | | |
| (a) in the case of a class A motor vehicle | Class 1, 2 | Level 8 |
| (b) in the case of a class B or class C motor vehicle | Class 1, 2 | Level 12 |
| Section 22 (4); Section 22B (2) | Class 1, 2 | Level 12 |

Road Transport (Vehicle Registration) Regulation 1998

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1); Clause 32 (8); Clause 34 (3); Clause 39 (4); Clause 41 (2) (a); Clause 41 (2) (b); Clause 43 (5); Clause 50 (3); Clause 52; Clause 53; Clause 54; Clause 55; Clause 57 (2); Clause 57 (4); Clause 57 (5); Clause 60 (3); Clause 61 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74; Clause 75; Clause 84 (1); Clause 86 | Class 1, 2 | Level 2 |
| Clause 57 (1) (a) in respect of the use of a registrable vehicle that does not comply with any of the following provisions of Schedule 4: | | |
| (a) clause 21 (a), vehicle contravening any Act or other law (otherwise than as referred to in the following paragraphs) | Class 1, 2 | Level 2 |
| (b) clause 21 (b), vehicle cause danger or unreasonable annoyance | Class 1, 2 | Level 3 |
| (c) clause 22, defective steering | Class 1, 2 | Level 5 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Vehicle Registration) Regulation 1998

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (d) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, <i>Motor vehicle frontal protection systems</i> , Part 1: <i>Road user protection</i> because of: <ul style="list-style-type: none"> (i) incorrect method of mounting vehicle frontal protection system, or (ii) exposed edges, or (iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or (iv) use of non-standard or non-approved vehicle frontal protection system | Class 1, 2 | Level 3 |
| (e) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, <i>Motor vehicle frontal protection systems</i> , Part 1: <i>Road user protection</i> because of dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system | Class 1, 2 | Level 5 |
| (f) clause 26, oil and grease leaks | Class 1, 2 | Level 3 |
| (g) clause 28, defective seating | Class 1, 2 | Level 5 |
| (h) clause 29, seat belt removed or defective | Class 1, 2 | Level 5 |
| (i) clause 29, motor vehicle not fitted or equipped with seat belts or seat belt anchorages | Class 1, 2 | Level 5 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Vehicle Registration) Regulation 1998

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (j) clause 31, defective door latches, hinges | Class 1, 2 | Level 2 |
| (k) clauses 48–56, defective tyres | Class 1, 2 | Level 2 |
| (l) clauses 70–77, exceed dimensions | Class 1, 2 | Level 2 |
| (m) clause 74, excessive overhang | Class 1, 2 | Level 2 |
| (n) clauses 85–91, defective headlights | Class 1, 2 | Level 2 |
| (o) clauses 94–97, defective tail lights | Class 1, 2 | Level 2 |
| (p) clauses 106 and 107, defective brake lights | Class 1, 2 | Level 2 |
| (q) clauses 132–141, defective brakes | Class 1, 2 | Level 5 |
| (r) clause 135, defective emergency brake | Class 1, 2 | Level 2 |
| (s) clauses 154–159, undue emission, inefficient silencer or excessive noise | Class 1, 2 | Level 3 |
| (t) clause 161, defective LPG equipment or labelling | Class 1, 2 | Level 3 |
| (u) clauses 166–178, road train equipment offences | Class 1, 2 | Level 3 |
| (v) clause 189, defective or missing fire extinguisher (bus) | Class 1, 2 | Level 2 |
| Clause 57 (1) (b) | Class 1, 2 | Level 3 |
| Clause 63 (6); Clause 64 (2A) | Class 1, 2 | Level 4 |
| Clause 78 (5); Clause 84 (2) except in case of major defect notice | Class 1, 2 | Level 5 |
| Clause 84 (2) in the case of a major defect notice | Class 1, 2 | Level 6 |
| Clause 84 (3) | Class 1, 2 | Level 8 |
| Clause 85 (1) (a) or Clause 85 (1) (b) or Clause 85 (1) (c) or Clause 85 (2) (a) or Clause 85 (2) (b) in the case of a class A motor vehicle | Class 1, 2 | Level 6 |
| Clause 85 (1) (d) or Clause 85 (1) (e) or Clause 85 (3) in the case of a class A motor vehicle | Class 1, 2 | Level 2 |
| Clause 85 in the case of a class B motor vehicle or class C motor vehicle | Class 1, 2 | Level 8 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Roads Act 1993

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112: | | |
| (a) by not more than 1 tonne | Class 1, 2, 14 | Level 5 |
| (b) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 14 | Level 8 |
| (c) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 14 | Level 10 |
| (d) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 14 | Level 11 |
| Section 115 (4) | Class 1, 2, 14 | Level 2 |
| Section 235, in relation to an offence under section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112: | | |
| (a) by not more than 1 tonne | Class 1, 2, 14 | Level 5 |
| (b) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 14 | Level 8 |
| (c) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 14 | Level 10 |
| (d) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 14 | Level 11 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 16 (operate or drive Class 2 vehicle not in accordance with notice or permit): | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle: | | |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that vehicle: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 16 (operate or drive Class 2 vehicle not in accordance with notice or permit): | | |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the permit or notice | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| Clause 30; Clause 52; Clause 55 | Class 1, 2, 6, 7, 12, 14 | Level 3 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|-----------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 31 (vehicle or load in breach of a mass limit); Clause 32 (trailer or load in breach of a mass limit); Clause 33 (combination in breach of a mass limit): | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle: | | |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in Schedule 1 with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 31 (owner or driver of vehicle failing to comply otherwise than in relation to a breach of a mass limit) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| Clause 32 (trailer or trailer load failing to comply otherwise than in relation to a breach of a mass limit); Clause 32 (failure to comply otherwise than in relation to a trailer or trailer load and otherwise than in relation to a breach of a mass limit); Clause 33 (otherwise than in relation to a breach of a mass limit) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| Clause 35 | Class 1, 2, 6, 7, 12, 14 | Level 9 |
| Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of a Class 1, 2 or 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of a whole combination; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of a vehicle forming part of a combination: | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle: | | |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle: | | |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |

Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of a Class 1, 2 or 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of whole combination; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of a vehicle forming part of a combination:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:
- | | | |
|---|--------------------------|----------|
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
- (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:
- | | | |
|--|--------------------------|----------|
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a combination Class 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a single Class 3 vehicle: | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle: | | |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle: | | |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |

Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a combination Class 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a single Class 3 vehicle:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:
- | | | |
|---|--------------------------|----------|
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
- (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:
- | | | |
|--|--------------------------|----------|
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|-----------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a Class 1, 2 or 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle forming part of a combination: | | |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| <p>Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a Class 1, 2 or 3 vehicle; Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle forming part of a combination:</p> | | |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| <p>Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a Class 1, 2 or 3 vehicle; Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle forming part of a combination; Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle not forming part of a combination:</p> | | |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| <p>Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a Class 1, 2 or 3 vehicle; Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle forming part of a combination; Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle not forming part of a combination:</p> | | |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| Clause 38 (otherwise than in relation to a breach of a mass limit): | | |
| (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under a notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under a notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under a notice or permit | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c) | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| Clause 41: | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle: | | |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum prescribed by or under that clause with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|--|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 41, in relation to an offence arising because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle: | | |
| (a) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (b) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (c) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Amendments

Schedule 1

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (d) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 41I (1); Clause 51 (3); Clause 54; Clause 62 (1); Clause 69 | Class 1, 2, 6, 7, 12, 14 | Level 4 |
| Clause 47 (3), relating to a breach of a mass limit: | | |
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in the notice for that class of vehicle with respect to that axle: | | |
| (i) by not more than 0.5 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 0.5 tonne but not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in the notice for that class of vehicle with respect to that axle or axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 1.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 1.5 tonnes but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 2 tonnes but not more than 2.5 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2005

Schedule 1 Amendments

Road Transport (Mass, Loading and Access) Regulation 1996

| Column 1 | Column 2 | Column 3 |
|---|---------------------------|-----------------|
| Provision | Authorised officer | Penalty |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| (d) if the offence arises because the sum of the axle loads of a group of axles (other than an axle group of a kind referred to in (a), (b) or (c)) of a vehicle exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group: | | |
| (i) by not more than 1 tonne | Class 1, 2, 6, 7, 12, 14 | Level 5 |
| (ii) by more than 1 tonne but not more than 2 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 8 |
| (iii) by more than 2 tonnes but not more than 3 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 10 |
| (iv) by more than 3 tonnes but not more than 4 tonnes | Class 1, 2, 6, 7, 12, 14 | Level 11 |
| Clause 56 (4); Clause 56 (5); Clause 56 (6) | Class 1, 2, 6, 7, 12, 14 | Level 6 |
| Clause 57 (a); Clause 57 (b) | Class 1, 2, 12, 14 | Level 4 |
| Clause 57 (c) | Class 1, 2, 12, 14 | Level 6 |
| Clause 63 (1) | Class 1, 2, 6, 7, 12, 14 | Level 2 |
| Clause 67 (4) | Class 1, 2 | Level 4 |



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speed Limit) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to remove the additional penalties where a person drives a motor vehicle at a speed in excess of 130km/h.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
 Amendment (Speed Limit) Regulation 2005

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speed Limit) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speed Limit) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Speed Limit) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 154 Penalties and disqualifications for speeding offences

Omit “(2A)–(5)” from clause 154 (2). Insert instead “(3)–(5)”.

[2] Clause 154 (2A) and (8)

Omit the subclauses.

[3] Clause 154 (3)–(5)

Omit “to whom subclause (2A) does not apply” wherever occurring.



New South Wales

Sheriff Regulation 2005

under the

Sheriff Act 2005

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the form of oath or affirmation to be taken or made by the Sheriff and sheriff's officers, and
- (b) to exclude certain bodies from the prohibition of using the word "sheriff" in their operating names, and
- (c) to prescribe matters to which the Sheriff must have regard in deciding whether or not to grant or revoke consent to the use of an operating name that includes the word "sheriff", and
- (d) to prescribe the form of identification certificate to be issued to a sheriff's officer.

This Regulation is made under the *Sheriff Act 2005*, including section 16 (the general power to make regulations), sections 7, 11, 12 and 13 and clause 1 of Schedule 2 (the power to make regulations of a savings or transitional nature).

This Regulation relates to matters of a machinery nature and matters of a savings or transitional nature.

Sheriff Regulation 2005

Contents

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Sheriff Regulation 2005

Clause 1

Sheriff Regulation 2005

under the

Sheriff Act 2005

1 Name of Regulation

This Regulation is the *Sheriff Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Definitions

In this Regulation:

the Act means the *Sheriff Act 2005*.

4 Oath or affirmation of office for Sheriff and sheriff's officers: section 7

- (1) The form of the oath required to be taken by the Sheriff and sheriff's officers under section 7 of the Act is as follows:

I, _____, do swear that I will well and truly serve our Sovereign Lady the Queen as [the Sheriff*]/[a sheriff's officer*] without favour or affection, malice or ill-will until I am legally discharged, and that while I continue to be [the Sheriff*]/[a sheriff's officer*] I will to the best of my skill and knowledge discharge all my duties faithfully according to law. So help me God.

* Omit whichever does not apply.

- (2) The form of the affirmation is the same as the form of the oath, except that:

- (a) the words "solemnly, sincerely and truly declare and affirm" are to be substituted for the word "swear", and
- (b) the words "So help me God." are to be omitted.

Clause 5 Sheriff Regulation 2005

5 Bodies authorised to carry on business under operating name that includes “sheriff”: section 11

The following bodies are declared to be bodies to which section 11 of the Act does not apply:

Any body that has, among its primary objects, the object of providing public entertainment.

6 Matters for consideration for consents: section 12

For the purposes of section 12 (3) of the Act, the following matters are prescribed as matters to which the Sheriff must have regard in deciding whether or not to grant or revoke consent to the use of an operating name that includes the word “sheriff”:

- (a) whether an application for registration of that name under the *Business Names Act 2002* has been, or would be, refused,
- (b) whether an application for incorporation of an association under that name under the *Associations Incorporation Act 1984* has been, or would be, refused,
- (c) whether that name suggests a connection to the Sheriff or to sheriff’s officers,
- (d) whether that name is used, or is proposed to be used, in connection with the carrying out of any security activity within the meaning of the *Security Industry Act 1997* or any security officer function under the *Court Security Act 2005*.

7 Prescribed form of identification for sheriff’s officers: section 13

The prescribed form for a certificate of identification referred to in section 13 of the Act is Form 1 in Schedule 1.

8 Saving as to use of word “sheriff” in operating name

- (1) Any person or body of persons who, immediately before the commencement of this clause, was lawfully carrying on an activity under an operating name (within the meaning of section 11 of the Act) that includes the word “sheriff” is taken, on that commencement, to have been granted a consent under section 12 of the Act to the carrying on of that activity under that name.
- (2) The provisions of section 12 of the Act apply to a consent referred to in subclause (1) in the same way as they apply to a consent granted under that section.

Sheriff Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

Form 1 Certificate of identification

(Clause 7)

(Sheriff Act 2005, section 13)

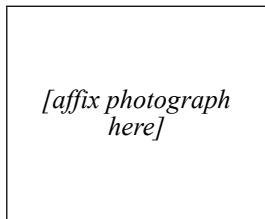
I, the Sheriff of New South Wales, certify that the holder of this certificate:

[Insert name of sheriff's officer]

whose photograph, authority number and signature appear below, is a sheriff's officer for the purposes of the *Sheriff Act 2005*.

[Insert authority number]

Authority number



.....
Signature of sheriff's officer

.....
Signature of Sheriff



New South Wales

Supreme Court Amendment (Fees) Regulation 2005

under the

Supreme Court Act 1970

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Supreme Court Act 1970*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 3.75 per cent, certain court fees (as set out in the *Supreme Court Regulation 2000*) payable in respect of the business of the Supreme Court.

This Regulation is made under the *Supreme Court Act 1970*, including section 130 (Fees and percentages).

Clause 1 Supreme Court Amendment (Fees) Regulation 2005

Supreme Court Amendment (Fees) Regulation 2005

under the

Supreme Court Act 1970

1 Name of Regulation

This Regulation is the *Supreme Court Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Supreme Court Regulation 2000

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

Supreme Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

| | \$ |
|--|---|
| 1 (1) Filing an initiating process (other than an initiating process referred to in paragraph (2) or (3) or filed in the Court of Appeal) | 1,276 (in the case of a corporation) or 638 (in any other case) |
| (2) Filing an initiating process in the Equity Division for entry in the Commercial List, the Technology and Construction List or the Admiralty List | 2,914 (in the case of a corporation) or 1,457 (in any other case) |
| (3) Filing an initiating process by which an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> is made in respect of an estate the sworn gross value of which: | |
| (a) is less than \$50,000 | Nil |
| (b) is \$50,000 or more but less than \$250,000 | 563 |
| (c) is \$250,000 or more but less than \$500,000 | 710 |
| (d) is \$500,000 or more but less than \$1,000,000 | 1,070 |
| (e) is \$1,000,000 or more | 1,424 |
| (4) The fees for filing a cross-claim under Part 6 (Cross-claims) of the <i>Supreme Court Rules 1970</i> in any Division of the Court are to be the same fees as are from time to time payable in respect of the filing of an initiating process in that Division. | |
| Note 1. In this item, <i>initiating process</i> means: | |
| (a) an originating process under the <i>Supreme Court Rules 1970</i> (other than a notice of appeal to the Court of Appeal or a summons for leave to appeal to the Court of Appeal), or | |

Supreme Court Amendment (Fees) Regulation 2005

Schedule 1 Amendment

§

- (b) a notice of appeal under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* or section 69 of the *Local Courts (Civil Claims) Act 1970*, or
- (c) a petition, or
- (d) subject to Note 3, an originating process under the *Corporations Act 2001* of the Commonwealth, or
- (e) a writ of summons under the *Admiralty Rules* of the Commonwealth.

Note 2. Where proceedings are entered in the Commercial List, the Technology and Construction List or the Admiralty List:

- (a) the fee payable is the difference between the fee referred to in paragraph (2) of item 1 and any fee paid under paragraph (1) or (3) of that item, and
- (b) the fee is payable:
 - (i) if the proceedings are entered pursuant to an order of the Court—by the party requesting the making of the order, or
 - (ii) if the proceedings are entered by the consent of the parties—by the parties to the proceedings in equal proportions.

Note 3. This item does not apply to:

- (a) a summons by which an application for a grant or resealing under Part 78 (Probate) of the *Supreme Court Rules 1970* is made in respect of an estate the sworn gross value of which is less than \$50,000, or
- (b) a summons by which an application is made in the course of a winding up by the Court under the *Corporations Act 2001* of the Commonwealth, unless it is a summons claiming relief under section 1321 of the *Corporations Act 2001* of the Commonwealth or regulation 5.6.26 (3) or 5.6.54 (2) of the *Corporations Regulations 2001* of the Commonwealth, or
- (c) a summons to pass accounts which is filed pursuant to section 85 (1AA) of the *Wills, Probate and Administration Act 1898*.

Supreme Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

 \$

Note 4. No fee is payable:

- (a) in respect of a summons issued under Part 58 (Taking evidence for foreign and Australian courts and tribunals) of the *Supreme Court Rules 1970*, or
- (b) for an initiating process which relates to the issue of a subpoena to be served outside the State under the *Service and Execution of Process Act 1992* of the Commonwealth.

2 For filing in the Court of Appeal:

- | | | |
|-------|--|---|
| (a) | a holding summons for leave to appeal or to cross-appeal | 250 (in the case of a corporation) or 125 (in any other case) |
| (b) | an ordinary summons for leave to appeal or to cross-appeal in respect of an application initiated by a holding summons | 1,168 (in the case of a corporation) or 584 (in any other case) |
| (c) | any other summons | 1,416 (in the case of a corporation) or 708 (in any other case) |
| (d) | notice of appeal without appointment | 564 (in the case of a corporation) or 282 (in any other case) |
| (e) | notice of appeal with appointment: | |
| (i) | in proceedings in which a summons has been filed in the Court of Appeal | 2,978 (in the case of a corporation) or 1,489 (in any other case) |
| (ii) | in proceedings in which a notice of appeal without appointment has been filed | 3,830 (in the case of a corporation) or 1,915 (in any other case) |
| (iii) | in any other proceedings | 4,392 (in the case of a corporation) or 2,196 (in any other case) |

Note. The fee under item 2 (e) (ii) is payable for the obtaining of an appointment to proceed with a cross-appeal if an appeal has been discontinued before the filing of a notice of appeal with appointment in respect of the discontinued appeal.

Supreme Court Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| | | \$ |
|---|--|--|
| 3 | <p>For allocation of a date for hearing of the proceedings by one or more judges, a judge and jury or a master</p> <p>Note 1. The fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.</p> <p>Note 2. A fee is payable for:</p> <p>(a) an application for leave to appeal or cross-appeal if the appeal or cross-appeal has been set down for hearing on the basis that oral argument on the appeal or cross-appeal will proceed concurrently with the application for leave to appeal or cross-appeal, or</p> <p>(b) proceedings allocated a date for hearing after 1 September 2000 whether the proceedings were initiated before or after that date.</p> <p>Note 3. No fee is payable:</p> <p>(a) in criminal proceedings, or</p> <p>(b) in proceedings of an interlocutory nature only.</p> <p>Note 4. A hearing allocation fee is not payable and, if paid, is to be remitted if:</p> <p>(a) the proceedings do not proceed on the allocated date for hearing, and</p> <p>(b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings.</p> | 2,432 (in the case of a corporation) or 1,216 (in any other case) |
| 4 | <p>(1) Filing a requisition for civil trial by jury (to be paid by party requesting jury)</p> <p>(2) Daily jury retention fee (to be paid by party requesting jury for each day jury is required after the first day of a civil trial)</p> | 1,548 (in the case of a corporation) or 774 (in any other case) 706 (in the case of a corporation) or 353 (in any other case) |
| 5 | Filing an application for an order under section 76B of the Act for referral of an action to arbitration | 714 (in the case of a corporation) or 357 (in any other case) |
| 6 | (1) For the hearing of proceedings by one or more Judges—each half day of hearing on or after the 11th day | 454 (in the case of a corporation) or 227 (in any other case) |

Supreme Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

| | | \$ |
|--|---|---|
| (2) | For the hearing of proceedings by a master—each half day of hearing on or after the 11th day | 408 (in the case of a corporation) or 204 (in any other case) |
| <p>Note 1. A half day is 3 hours or part of 3 hours. That 3-hour period includes any short adjournment of less than half an hour.</p> <p>Note 2. The fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.</p> <p>Note 3. No fee is payable:</p> <p>(a) in criminal proceedings, or</p> <p>(b) if the sole purpose of the hearing is the delivery of a reserved judgment, or</p> <p>(c) if a date for hearing the proceedings was allocated before 1 July 2003.</p> <p>Note 4. If a matter is heard by a judge and jury, a hearing fee may be payable in addition to the daily jury retention fee.</p> | | |
| 7 | Filing notice of motion under Rule 2 of Part 19 of the <i>Supreme Court Rules 1970</i> or an interlocutory process under the <i>Corporations Act 2001</i> of the Commonwealth | 294 (in the case of a corporation) or 147 (in any other case) |
| 8 | To open or keep open the registry or part of the registry or to open or keep open an office of a clerk of the Court elsewhere in the State: | 1,012 (in the case of a corporation) or 506 (in any other case) |
| <p>(a) on a Saturday, Sunday or public holiday, or</p> <p>(b) on any other day before 9 am or after 5 pm</p> <p>Note. No fee is payable in criminal proceedings.</p> | | |
| 9 | For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney | 106 (in the case of a corporation) or 53 (in any other case) |
| 10 | To furnish a copy of the written opinion or reasons for opinion of any judge or of any master or other officer of the Court: | |
| <p>(a) for a printed copy 50</p> <p>(b) for any other kind of copy 31</p> <p>Note. A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.</p> | | |

Supreme Court Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| | | \$ |
|----|---|---|
| 11 | To prepare appeal papers—for the first 11 copies, or such other number of copies as is ordered to be printed by the registrar—for each volume of not more than 250 pages | 1,012 (in the case of a corporation) or 506 (in any other case) |
| 12 | The fees to be paid to the Marshal in Admiralty are to be the same fees as are from time to time taken by the Sheriff or an officer of the Sheriff for service and execution of process of the Court, except there is no levy payable on a writ of execution. | |
| 13 | Certificate of a registrar as to a signature of a public notary | 43 |
| 14 | To prepare a copy of a will, a certificate of grant, an exemplification or a divorce decree, or a copy of a certificate of conviction (except where it is requested by a party to the proceedings) | 43 |
| 15 | Making a copy of any document, otherwise than as provided for by item 10 or 14 for each page (minimum fee of \$10) | 2 |
| 16 | Supply of duplicate tape recording of sound-recorded evidence, for each cassette | 36 |
| 17 | For each copy of the transcript of any proceedings: | |
| | (a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$66) | 7.90 |
| | (b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$78) | 9.00 |
| 18 | To conduct a genealogical search on a probate file (for each file searched) | 81 |
| 19 | To conduct an adoption search (for each file searched) | 43 |
| | Note. This amount also includes a copy of any document, if approved by the Court. | |
| 20 | To conduct a search for an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> (for each file searched) | 31 |

Supreme Court Amendment (Fees) Regulation 2005

Amendment

Schedule 1

| | | \$ |
|----|---|--|
| 21 | To lodge a caveat against an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> | 60 (in the case of a caveator that is a corporation) or 30 (in any other case) |
| 22 | To lodge a will that is not attached to an initiating process by which an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> is made | 31 |
| 23 | To issue a subpoena (for production, to give evidence, or both) | 114 (in the case of a corporation) or 57 (in any other case) |
| 24 | Notice lodged by a legal practitioner of another State, of a Territory of the Commonwealth or of New Zealand for admission as a legal practitioner of the Court Note. This fee is fixed as referred to in section 40 of the <i>Mutual Recognition Act 1992</i> of the Commonwealth and section 40 of the <i>Trans-Tasman Mutual Recognition Act 1997</i> of the Commonwealth. Under those Acts, such a fee cannot be greater than the fee imposed on persons in New South Wales seeking to be admitted as legal practitioners of the Court. | (See Note to this item) |
| 25 | For storing material over 1 kg in weight that is produced on subpoena (to be paid by the party requesting issue of the subpoena) Note. This fee must be remitted under clause 11 if: (a) within 4 weeks of being granted leave to inspect the material, the party requesting the issue of the subpoena: (i) notifies the Court in writing of that part of the material that is not required for the purposes of the proceedings, and (ii) consents to the return of that part to the person who produced the material, and (b) the remainder of the material weighs less than 1 kg. | 110 (in the case of a corporation) or 55 (in any other case) |
| 26 | For storing material produced under a notice to produce (to be paid by the party who issued the notice), but only if the party who produced the material to the Court or the registry does not collect the material within the time specified in a notice issued to that party by a registrar | 110 (in the case of a corporation) or 55 (in any other case) |

Supreme Court Amendment (Fees) Regulation 2005

Schedule 1 Amendment

| | | \$ |
|----|--|---|
| 27 | The fee for a service not otherwise provided for in this Schedule | 60 (in the case of a corporation) or 30 (in any other case) |
| | Note. This fee is chargeable only with the approval of the Principal Registrar. | |

Orders



New South Wales

Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

Superannuation Act 1916

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 92 of the *Superannuation Act 1916*, make the following Order.

Dated, this 22nd day of June 2005.

By Her Excellency's Command,

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

Explanatory note

The object of this Order is to amend the *Superannuation Act 1916* to provide for certain former employees of the Department of Commerce (in the business unit called the Government Printing Service) who became employees of Salmat Document Management Solutions Pty Limited on 16 April 2005 to continue to be contributors to the State Superannuation Fund.

This Order is made under section 92 of the *Superannuation Act 1916*.

Clause 1 Superannuation Amendment (Salmat Document Management Solutions)
Order 2005

Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

Superannuation Act 1916

1 Name of Order

This Order is the *Superannuation Amendment (Salmat Document Management Solutions) Order 2005*.

2 Commencement

This Order is taken to have commenced on 16 April 2005.

3 Amendment of Superannuation Act 1916

The *Superannuation Act 1916* is amended by inserting at the end of Part 1 of Schedule 3:

Salmat Document Management Solutions Pty Limited—
limited to those persons who:

- (a) immediately before 16 April 2005, were employed in the Government Printing Service business unit of the Department of Commerce and were contributors to the Fund, and
- (b) on that date, became employees of Salmat Document Management Solutions Pty Limited and did not cease to be contributors to the Fund



New South Wales

State Authorities Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 46 of the *State Authorities Superannuation Act 1987*, make the following Order.

Dated, this 22nd day of June 2005.

By Her Excellency's Command,

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

Explanatory note

The object of this Order is to amend the *State Authorities Superannuation Act 1987* to provide for certain former employees of the Department of Commerce (in the business unit called the Government Printing Service) who became employees of Salmat Document Management Solutions Pty Limited on 16 April 2005 to continue to be contributors to the State Authorities Superannuation Fund.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1 State Authorities Superannuation Amendment (Salmat Document Management Solutions) Order 2005

State Authorities Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

State Authorities Superannuation Act 1987

1 Name of Order

This Order is the *State Authorities Superannuation Amendment (Salmat Document Management Solutions) Order 2005*.

2 Commencement

This Order is taken to have commenced on 16 April 2005.

3 Amendment of State Authorities Superannuation Act 1987

The *State Authorities Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Salmat Document Management Solutions Pty Limited—
limited to those persons who:

- (a) immediately before 16 April 2005, were employed in the Government Printing Service business unit of the Department of Commerce and were contributors to the Fund, and
- (b) on that date, became employees of Salmat Document Management Solutions Pty Limited and did not cease to be contributors to the Fund



New South Wales

State Authorities Non-contributory Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 27 of the *State Authorities Non-contributory Superannuation Act 1987*, make the following Order.

Dated, this 22nd day of June 2005.

By Her Excellency's Command,

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

Explanatory note

The object of this Order is to amend the *State Authorities Non-contributory Superannuation Act 1987* to provide for certain former employees of the Department of Commerce (in the business unit called the Government Printing Service) who became employees of Salmat Document Management Solutions Pty Limited on 16 April 2005 to continue to be employees for the purposes of that Act.

This Order is made under section 27 of the *State Authorities Non-contributory Superannuation Act 1987*.

Clause 1 State Authorities Non-contributory Superannuation Amendment (Salmat Document Management Solutions) Order 2005

State Authorities Non-contributory Superannuation Amendment (Salmat Document Management Solutions) Order 2005

under the

State Authorities Non-contributory Superannuation Act 1987

1 Name of Order

This Order is the *State Authorities Non-contributory Superannuation Amendment (Salmat Document Management Solutions) Order 2005*.

2 Commencement

This Order is taken to have commenced on 16 April 2005.

3 Amendment of State Authorities Non-contributory Superannuation Act 1987

The *State Authorities Non-contributory Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Salmat Document Management Solutions Pty Limited—
limited to those persons who:

- (a) immediately before 16 April 2005, were employed in the Government Printing Service business unit of the Department of Commerce and were employees for the purposes of this Act, and
- (b) on that date, became employees of Salmat Document Management Solutions Pty Limited and did not cease to be employees for the purposes of this Act



New South Wales

Scale of Fees

under the

Sheriff Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has fixed the scale of fees, as set out in Schedule 1, to be chargeable in the Sheriff's Office under section 9 of the *Sheriff Act 1900*, with effect on and from 1 July 2005.

BOB DEBUS, M.P.,
Attorney General

Scale of Fees

Schedule 1 Scale of fees to be chargeable in the Sheriff's Office

Schedule 1 Scale of fees to be chargeable in the Sheriff's Office

| | \$ |
|---|-----|
| 1 Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted | 46 |
| 2 For execution, or attempted execution, of any writ, warrant or commission | 237 |
| 3 Levy on a writ of execution—3% of amount collected by the Sheriff or an officer of the Sheriff | |
| 4 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed | 579 |
| 5 Keeper's fee, each person for each day of 8 hours or part of the day | 316 |
| 6 Making a copy of any document, for each page (minimum fee of \$10) | 2 |
| 7 On every search—each name | 15 |
| 8 Certifying office copy of writ | 15 |
| 9 Attending a view by a jury (to be paid by the party making the request) | 126 |
| 10 To open or keep open the Office: | |
| (a) on a Saturday, Sunday or public holiday | 506 |
| (b) on any other day: | |
| (i) before 9 am or after 4:30 pm | 506 |
| (ii) between 9 and 9:30 am or 4 and 4:30 pm | 53 |
| 11 The amount reasonably incurred for the following: | |
| (a) advertising, | |
| (b) keeping of livestock levied on, | |
| (c) officers' travelling expenses in relation to a view, or in conveying an arrested person to a correctional centre or to court, | |
| (d) travelling expenses for each keeper or assistant including, where necessary, the cost of meals, | |
| (e) the execution/service or attempted execution/service of any writ, warrant, commission, summons, process or other document not otherwise provided for. | |

Rules



New South Wales

Supreme Court (Corporations) Amendment (No 5) Rules 2005

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 20 June 2005.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court (Corporations) Rules 1999*:

- (a) to confirm that a cross-claim may be made by filing an interlocutory process, and
- (b) to provide that any application under section 472 (2) of the *Corporations Act 2001* of the Commonwealth for the appointment of an official liquidator as a provisional liquidator of a company must be accompanied by the written consent of the official liquidator.

Rule 1 Supreme Court (Corporations) Amendment (No 5) Rules 2005

Supreme Court (Corporations) Amendment (No 5) Rules 2005

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court (Corporations) Amendment (No 5) Rules 2005*.

2 Amendment of Supreme Court (Corporations) Rules 1999

The *Supreme Court (Corporations) Rules 1999* are amended as set out in Schedule 1.

Supreme Court (Corporations) Amendment (No 5) Rules 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Rule 2.2

Omit rule 2.2 (1) (b). Insert instead:

- (b) in any other case, and whether interlocutory relief or final relief is claimed—by filing an interlocutory process.

[2] Rule 6.1

Omit rule 6.1 (1). Insert instead:

- (1) An application for an official liquidator to be appointed, under subsection 472 (2) of the Corporations Act, as a provisional liquidator of a company must be accompanied by the written consent of the official liquidator.

PRACTICE NOTE 129

Associate Judges

1. Upon the commencement of the Courts Legislation Amendment Act 2005 on 15 June 2005 the office of Master of the Supreme Court has been abolished, and each of the former Masters is now an Associate Judge of the Supreme Court.
2. An Associate Judge is formally known as and referred to as **The Honourable Associate Justice X**.
3. In Court the appropriate form of address of and reference to an Associate Judge is **Your Honour** and **His** [or **Her**] **Honour**.
4. In judgments and similar writings the appropriate abbreviation for an Associate Judge is **AsJ** (as in **X AsJ**).

21 June 2005.

J J SPIGELMAN,
Chief Justice

This Practice Note is available on the Supreme Court's website:
www.lawlink.nsw.gov.au/sc

PRACTICE NOTE NO 130

Supreme Court (Corporations) Rules 1999 (NSW)

Interlocutory Process and Pleadings in Corporations Matters

1. Rule 2.2(1) of the Supreme Court (Corporations) Rules 1999 (NSW) ('Corporations Rules') provides as follows:
'Unless these Rules otherwise provide, a person must make an application required or permitted by the Corporations Act to be made to the Court:
 - (a) if the application is not made in a proceeding already commenced in the Court – by filing an originating process; and
 - (b) in any other case, and whether final or interlocutory relief is claimed - by filing an interlocutory process.'
2. The words, 'and whether final or interlocutory relief is claimed', were inserted recently with effect from 24 June 2005.
3. The purpose of that amendment is to make it clear that the form of interlocutory process under the Rules (Form 3) is required to be used where subparagraph 2.2(1)(b) applies, even where final relief is claimed. Leaving aside the originating process and any amended originating process, all claims for relief properly brought forward in a proceeding already on foot, to which the Rules apply, are required to be made by interlocutory process.
4. Two examples of claims for final relief which are required to be brought by interlocutory process are:
 1. a claim by a defendant which would, if the general rules of court applied, be brought by way of cross-claim;
 2. a claim by the Commissioner of Taxation under s 588FGA(4) of the Corporations Act 2001 (Cth) (see *Condon v Commissioner of Taxation* [2004] NSWSC 481).
5. Where a claim for final relief has been made in a proceeding to which the Supreme Court (Corporations) Rules apply, whether the claim is made by originating process or by interlocutory process, any subsequent application for an order for pleadings should be made by interlocutory process. Where a claim for final relief is to be made in a contemplated proceeding to which those Rules will apply, an application for an order for pleadings may be made either in the originating process, or by an accompanying interlocutory process. An originating or interlocutory process should not be amended so as to be converted into a pleading.

24 June 2005.

J J SPIGELMAN,
Chief Justice

This Practice Note is available on the Supreme Court's website:
www.lawlink.nsw.gov.au/sc

By-laws



New South Wales

Crown Lands (General Reserves) Amendment (Boobera Lagoon Reserve) By-law 2005

under the

Crown Lands Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following By-law under the *Crown Lands Act 1989*.

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

Explanatory note

The object of this By-law is to remove the power of reserve trusts to prohibit power boating in reserves (except within Boobera Lagoon Reserve), being a power for which provision was made on 25 February 2005.

This By-law is made under the *Crown Lands Act 1989*, including section 128 (the general power to make by-laws).

Clause 1 Crown Lands (General Reserves) Amendment (Boobera Lagoon Reserve)
By-law 2005

Crown Lands (General Reserves) Amendment (Boobera Lagoon Reserve) By-law 2005

under the

Crown Lands Act 1989

1 Name of By-law

This By-law is the *Crown Lands (General Reserves) Amendment (Boobera Lagoon Reserve) By-law 2005*.

2 Amendment of Crown Lands (General Reserves) By-law 2001

The *Crown Lands (General Reserves) By-law 2001* is amended as set out in Schedule 1.

Crown Lands (General Reserves) Amendment (Boobera Lagoon Reserve)
By-law 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 23 Regulation of conduct in reserve

Insert “(within Boobera Lagoon Reserve only)” after “power boating” in clause 23 (2) (gg).

OFFICIAL NOTICES

Appointments

The Cabinet Office, Sydney
22 June 2005

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR PRIMARY INDUSTRIES

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. J. DELLA BOSCA, M.L.C., Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services and Assistant Treasurer, to act for and on behalf of the Minister for Primary Industries, as on and from 2 July 2005, with a view to him performing the duties of the Honourable I. M. MacDONALD, M.L.C., during his absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
22 June 2005

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR RURAL AFFAIRS, MINISTER FOR LOCAL GOVERNMENT, MINISTER FOR EMERGENCY SERVICES, MINISTER FOR LANDS AND MINISTER ASSISTING THE MINISTER FOR NATURAL RESOURCES

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable D. A. CAMPBELL, M.P., Minister for Regional Development, Minister for Illawarra and Minister for Small Business, to act for and on behalf of the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services and Minister for Lands, as on and from 29 June 2005, with a view to him performing the duties of the Honourable A. B. KELLY, M.L.C., during his absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
22 June 2005

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR EDUCATION AND TRAINING

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. D. A. CAMPBELL, M.P., Minister for Regional Development, Minister for the Illawarra and Minister for Small Business, to act for and on behalf of the Minister for Education and Training, as on and from 29 June 2005, with a view to him performing the duties of the Honourable C. M. TEBBUTT, M.L.C., during her absence from duty.

BOB CARR, M.P.,
Premier

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Bellingen Local Environmental Plan 2003 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G95/00404/PC)

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

Clause 1 Bellingen Local Environmental Plan 2003 (Amendment No 4)

Bellingen Local Environmental Plan 2003 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bellingen Local Environmental Plan 2003 (Amendment No 4)*.

2 Aims of plan

This plan aims to correct a zoning anomaly by rezoning the land to which this plan applies from Zone No 6 (a) to Zone No 6 (b) under *Bellingen Local Environmental Plan 2003*.

3 Land to which plan applies

This plan applies to Lot 1, DP 242682, Mylestom Drive, Repton, as shown edged heavy black and lettered "6 (b)" on the map marked "Bellingen Local Environmental Plan 2003 (Amendment No 4)" deposited in the office of the Bellingen Shire Council.

4 Amendment of Bellingen Local Environmental Plan 2003

Bellingen Local Environmental Plan 2003 is amended as set out in Schedule 1.

Bellingen Local Environmental Plan 2003 (Amendment No 4)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 6 Development for certain additional purposes

Omit “Land within Zone No 6 (a)” from item 24 in the Schedule.

Insert instead “Land within Zone No 6 (b)”.

[2] Dictionary

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

Bellingen Local Environmental Plan 2003 (Amendment No 4)



New South Wales

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6322574/S69)

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

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)*.

2 Aims of plan

This plan aims:

- (a) to allow general stores, with consent, in the Residential 2E Zone under the *Coffs Harbour City Local Environmental Plan 2000*, and
- (b) to amend certain requirements relating to exempt development involving demolition and water tanks, and
- (c) to rezone certain land under the *Coffs Harbour City Local Environmental Plan 2000*.

3 Land to which plan applies

- (1) In relation to the amendments made by Schedule 1 [1]–[3], this plan applies to the whole of the land within the City of Coffs Harbour.
- (2) In relation to the amendment made by Schedule 1 [4], this plan applies to the land shown edged heavy black on the map marked “Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)” deposited in the office of Coffs Harbour City Council.

4 Amendment of Coffs Harbour City Local Environmental Plan 2000

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

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

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

Insert “general stores;” in alphabetical order in item 3 of the matter relating to Residential 2E Tourist Zone in the Table to the clause.

[2] Schedule 2 Exempt development

Omit “AS 1260–1991—*The demolition of structures*” from the matter relating to Demolition.

Insert instead “AS 1260—2002, *The demolition of structures*”.

[3] Schedule 2

Omit “Maximum storage capacity of 5,000 litres” from the matter relating to Water tanks (at or above ground level) in urban areas.

Insert instead “Maximum storage capacity of 10,000 litres”.

[4] Dictionary

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

Coffs Harbour City Local Environmental Plan 2000
(Amendment No 25)



New South Wales

Ku-ring-gai Local Environmental Plan No 182

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/01942/PC)

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

Clause 1 Ku-ring-gai Local Environmental Plan No 182

Ku-ring-gai Local Environmental Plan No 182

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 182*.

2 Aim of plan

The aim of this plan is to permit the land at 14–18 Coonanbarra Road, Wahroonga, to be redeveloped as residential flat buildings that sit harmoniously in their setting and to rezone Archdale Park to open space to reflect its role as a recreation area. Further aims are as outlined in Schedule 1 to this plan in the amendments to the *Ku-ring-gai Planning Scheme Ordinance*.

3 Land to which plan applies

This plan applies to the land at Nos 14–18 Coonanbarra Road, Wahroonga (being lot 24 in DP 2666, lot 1 in DP 726103 and lot C in DP 369438) and to Archdale Park, Neringah Avenue South, Wahroonga (being lot B in DP 369438), which is shown coloured light scarlet with dark red edging and lettered “2 (d)” and coloured dark green, respectively, on the map marked “Ku-ring-gai Local Environmental Plan No 182” held at the office of Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

Ku-ring-gai Planning Scheme Ordinance is amended as set out in Schedule 1.

Ku-ring-gai Local Environmental Plan No 182

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Definitions

Insert in appropriate order in the definition of *Scheme map* in clause 4 (1):
Ku-ring-gai Local Environmental Plan No 182

[2] Part 3B

Insert after clause 25N:

Part 3B 14–18 Coonanbarra Road and Archdale Park, Wahroonga

25O What land is affected by this Part of the Ordinance?

This Part of the Ordinance applies to the land at Nos 14–18 Coonanbarra Road, Wahroonga (being lot 24 in DP 2666, lot 1 in DP 726103 and lot C in DP 369438) and to Archdale Park, Neringah Avenue South, Wahroonga (being lot B in DP 369438), which is shown coloured light scarlet with dark red edging and lettered “2 (d)” and coloured dark green, respectively, on the map marked “*Ku-ring-gai Local Environmental Plan No 182*” held in the office of the Council.

25P What is Council’s vision for this land?

Council’s vision for Archdale Park is continuation of its role as an open space recreation area for residents and visitors to Ku-ring-gai, with this role formalised through the rezoning proposed by *Ku-ring-gai Local Environmental Plan No 182*.

Council’s vision for Nos 14–18 Coonanbarra Road is a site in which vegetation, especially in the form of tall trees, is the dominant impression when viewed from Coonanbarra Road and the town centre opposite. Council envisages a future development of the site in which new buildings are softened and screened from adjoining sites by vegetation located in sizeable setbacks along side and rear boundaries. Council’s preferred built form for the site is two apartment buildings which appear as 3 storeys but which may also accommodate additional floorspace unobtrusively in an attic style arrangement within roof space. Council prefers the creation of human scaled, climatically responsive dwellings that are comfortable to live in without the need for artificial heating or cooling. Council envisages a development outcome in which surrounding residences retain

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

current levels of privacy and access to sunlight and residents of new development may provide informal surveillance of Archdale Park and the pedestrian walkway to enhance the safety of these public spaces.

25Q Definitions

In this Part:

attic means a storey:

- (a) comprising space at one level only wholly contained within the roof space (except for any dormer or clerestory windows which may project above the roof) of, and forming part only of, a dwelling, and
- (b) where the pitch of the roof creating the space does not exceed 35 degrees from the horizontal, and
- (c) where the total floor space area of the storey comprising the attic does not exceed 60% of the total floor space area of the storey immediately below the attic, and
- (d) which does not have any balcony, terrace or the like.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels and including any part of the building below ground.

deep soil landscaping means a part of the site area that:

- (a) is not occupied by structure whatsoever, whether below or above the surface of the ground (except for paths up to 1 metre wide), and
- (b) is at least 2 metres wide, and
- (c) is not used for car parking.

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

ecologically sustainable development has the meaning of that term in the *Local Government Act 1993* and includes the following:

- (a) conservation of natural resources,
- (b) optimisation of the use of natural features,
- (c) optimisation of energy efficiency,
- (d) maintenance or improvement of air, water and soil quality,
- (e) reduction of car dependence, and

Ku-ring-gai Local Environmental Plan No 182

Amendments

Schedule 1

- (f) waste avoidance and minimisation, and cleaner production.

floor space ratio of a building means the ratio of total floor space area of the building to the site area.

ground level means the natural level of the ground before the erection of any building or the carrying out of any work.

manageable housing is housing in accordance with Class C—Adaptable Housing Features as set out in Australian Standard AS 4299—1995, *Adaptable housing* and must contain a bedroom, kitchen, dining area and bathroom on the ground floor, or where not on the ground floor, on a level to which lift access is provided.

perimeter ceiling height means the vertical distance measured between ground level at any point and the topmost point of any ceiling where it meets, or where a horizontal projection of the ceiling would meet, any external or enclosing wall of the building.

residential flat building means a building containing three or more dwellings.

site area, in relation to proposed development, means the areas of land to which an application for consent to carry out the development relates, excluding any land on which the development is not permitted under any environmental planning instrument and excluding the area of any access handle.

site coverage means the proportion of the building footprint to the site area, expressed as a percentage.

special qualities of Ku-ring-gai include:

- (a) its natural features, such as steep terrain, ridge tops dominated by trees and rich shale soils, and
- (b) its tall tree character, and especially the Blue Gum High Forests and Sydney Turpentine Ironbark Forests, and
- (c) its relatively undisturbed soil profiles.

tall tree means a native tree which is greater than 15 metres in height when mature and endemic to the site and its surrounds.

25R General aims, objectives and principles of this Part

- (1) The general aims of this Part are:
 - (a) to protect and enhance the environmental, heritage and special qualities of Ku-ring-gai, and
 - (b) to encourage orderly development of land and resources in Ku-ring-gai, and

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

-
- (c) to foster environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment, and
 - (d) to encourage new development to be compatible with the character of the surrounding neighbourhood.
- (2) The general objectives of this Part for residential development are:
- (a) the provision of increased housing choice, and
 - (b) the achievement of high quality urban design and architectural design:
 - (i) of buildings, and
 - (ii) in the relationship of buildings with neighbouring development, the public domain and landscape quality, and
 - (c) the development of Ku-ring-gai with regard to the principles of ecologically sustainable development, and
 - (d) the encouragement of use of public transport, walking and cycling, and
 - (e) the achievement of a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision, and
 - (f) the protection of the natural environment of Ku-ring-gai, including bio diversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate impacts on natural areas including the National Parks and bushland reserves.
- (3) The principles to be followed for the purpose of achieving the aims of this Part for residential development are as follows:
- (a) recognition of the responsibilities of current generations to future generations in relation to environmental quality and resource usage by respecting the limits of natural and physical resources,
 - (b) involvement of the community in the planning process by ensuring openness, accountability and transparency in the decision-making process,

Ku-ring-gai Local Environmental Plan No 182

Amendments

Schedule 1

-
- (c) consistent application of the provisions of this Part so that the aims and objectives can be achieved in practice, and provide certainty for applicants for development consents, investors, residents and the public,
 - (d) consistent and proper regard for the aims, objectives and principles of this Part by the consent authority, in particular when it considers development applications.

25S Specific objectives for development of 14–18 Coonanbarra Road, Wahroonga

- (2) The specific objectives for development of land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, are as follows.
 - (a) to ensure that building heights are compatible with the local context,
 - (b) to provide rear setbacks that ensure rear gardens are adjacent rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the general objectives of this Part,
 - (c) to protect existing trees within setback areas and to ensure that new development provides sufficient viable deep soil landscaping and tall trees in rear and front gardens,
 - (d) to provide side setbacks and setbacks to Archdale Park that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and screening of the building when seen from the park,
 - (e) to minimise the impact on landscape character of car parking required by new development,
 - (f) to limit the frontage width of buildings in order to minimise visual impact of multi-unit housing on the streetscape,
 - (g) to provide built upon area controls to ensure the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, and to be in scale with the built form,
 - (h) to encourage the planting of nominated tree species that are endemic to Ku-ring-gai,
 - (i) to require on-site detention for stormwater for all new development to avoid excessive run-off and impacts on natural watercourses and the long term health of tall trees, and to promote natural absorption,
 - (j) to encourage water-sensitive urban design,

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

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- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of new buildings,
 - (l) to ensure compatibility of scale between buildings,
 - (m) to encourage safety and security of the public domain by facing windows and building entries to the street or public footways where appropriate and windows to Archdale Park in order to maximise casual surveillance opportunities,
 - (n) to encourage safety and security of private developments by building design and landscape design,
 - (o) to encourage the provision of housing for aged and disabled persons by prescribing appropriate dwelling design standards for new development,
 - (p) to ensure that adequate documentation is provided with development applications so that proposals may be understood by members of the public and the consent authority may carry out a thorough assessment of the application,
 - (q) to provide for waste management (including provision for garbage storage and collection) consistent with the general objectives of this Part,
 - (r) to ensure that residential development on the site makes adequate provision for the storage needs of eventual occupants.

25T Effect of objectives

The consent authority, before granting consent for any development, must have regard to the general objectives of this Part and any specific objectives relevant to the proposed development.

25U Subdivision standards applying to 14–18 Coonanbarra Road, Wahroonga

- (1) The objectives of this clause are as follows:
 - (a) to provide minimum lot areas that respond to the existing minimum subdivision lot sizes,
 - (b) to provide minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting with substantial setbacks to enable long term sustainability of trees,
 - (c) to permit strata subdivision of multi-unit housing development,

Ku-ring-gai Local Environmental Plan No 182

Amendments

Schedule 1

- (d) to provide for substantial common landscaped areas to enhance streetscape quality and provide areas for trees for each development.
- (2) Where development listed in Column 1 of the Table to this subclause is permissible, a subdivision of land (excluding strata subdivision or a neighbourhood subdivision) to create a lot to be used for that development is not to result in an allotment with an area or street frontage less than the minimum area or street frontage specified for the development in Columns 2 and 3 of that Table:

Table—Subdivision Controls

| Column 1 | Column 2 | Column 3 |
|--|--|---|
| Development for the purpose of: | Minimum site area (square metres) | Minimum street frontage width (metres) |
| Residential flat buildings | 2,000 | 30 |

- (3) However, consent must not be given to a subdivision of that land where, in the opinion of the consent authority, the result would or could be the isolation of lots (for example, creation of a lot of insufficient size to allow its development), except where the lot is created for the purpose of drainage, roads or open space.

25V Site requirements for multi-unit buildings and building heights

- (1) The objectives of this clause are as follows:
- (a) to achieve site-responsive development at a scale which is compatible with existing localities by control of visual impacts relating to height and bulk,
 - (b) to take into consideration the impact of overshadowing and loss of privacy and loss of outlook,
 - (c) to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,
 - (d) to protect and enhance the environmental features which are characteristic of the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, by requiring sufficient space on-site for effective landscaping,
 - (e) to provide for landscaping to ensure that the built form does not dominate the landscape.

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

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- (2) A residential flat building is not to be erected on the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga:
- (a) on any allotment which has a site area of less than 2,000 square metres, or
 - (b) on any allotment which has a street frontage of less than 30 metres, or
 - (c) so as to result in a floor space ratio of more than 0.92:1, or
 - (d) so as to result in the creation of less than two apartment buildings, which may or may not be joined by a small common foyer which is largely transparent in nature, or
 - (e) so as to result in a site coverage of more than 36%, or
 - (f) so as to result in a building setback (above natural ground level) to property boundaries with Coonanbarra Road of less than 10 metres, a setback to the property boundary with Archdale Park of less than 5 metres, a setback to the property boundary with No 12 Coonanbarra Road of less than 6 metres, a setback to the property boundary with No 3 Neringah Avenue of less than 14 metres and a setback to the property boundary with the public footway on the northern boundary of less than 6 metres, or
 - (g) so as to result in a building of more than three storeys and an attic, or
 - (h) so as to result in the loss of any existing healthy camphor laurel trees along the Coonanbarra Road frontage of the property or along the nature strip.
- (3) Development on land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, is to comply with the Table below:

Table—Building heights

| Zone | Maximum perimeter ceiling height, not including attics | Maximum number of storeys |
|-------------|---|----------------------------------|
| No 2 (d) | 10 metres | 3 storeys plus 1 attic |

Ku-ring-gai Local Environmental Plan No 182

Amendments

Schedule 1

-
- (4) Any storey which is used exclusively for car parking or for storage or plant in accordance with the requirements of this Ordinance or a recommendation in any development control plan and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2 metres above ground level, is not to be counted as a storey for the purposes of subclause (3).

25W Car parking

- (1) This clause applies to the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga.
- (2) The objectives of this clause are as follows:
- (a) to acknowledge the proximity of land to which this clause applies to Wahroonga rail station,
 - (b) to encourage use of public transport,
 - (c) to minimise the impact of car parking on the natural ground area of multi-unit housing lots and to provide for sufficient deep soil landscaping for trees and their long term sustainability,
 - (d) to minimise the visual impact of car parking both from the street and from other land (private or public).
- (3) For development that results in more than one dwelling on a site:
- (a) one car space is to be provided per dwelling and one additional car space may be provided for each dwelling with 3 or more bedrooms, and
 - (b) one additional visitor car space is to be provided for every 4 dwellings, or part thereof.
- (4) No car parking, other than for visitors, is to be open air car parking. Any open air car parking is to be constructed with water permeable paving.

25X Manageable housing

(1) **Objectives of this clause**

The objectives of this clause are:

- (a) to increase the housing choice for older people and people with disabilities, and
- (b) to encourage ageing in place.

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

(2) **Development to which this clause applies**

This clause applies to all development for the purpose of residential flat buildings on the land within Zone No 2 (d) known as 12–14 Coonanbarra Road, Wahroonga.

(3) **Requirement for manageable housing**

All residential flat buildings are to be designed so that at least one dwelling in each 10 dwellings (or part thereof) comprises manageable housing.

(4) **Requirement for lifts**

A passenger lift is to be provided in all residential flat buildings of more than three storeys.



New South Wales

Ku-ring-gai Local Environmental Plan No 202

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000003/S69)

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

Clause 1 Ku-ring-gai Local Environmental Plan No 202

Ku-ring-gai Local Environmental Plan No 202

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 202*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 2 (d) Residential "D" to Zone No 2 (d3) Residential "D3" under the *Ku-ring-gai Planning Scheme Ordinance*, and
- (b) to facilitate basement car parking for the exclusive use of the Greengate Hotel (No 655A Pacific Highway, Killara), where such parking is provided in conjunction with multi-unit housing and associated basement car parking.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to Lot 1, DP 1030172, and known as No 657 Pacific Highway, Killara, as shown coloured light scarlet with dark red edging and lettered "2 (d3)" on the map marked "Ku-ring-gai Local Environmental Plan No 202" deposited in the office of Ku-ring-gai Council.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to Lot 1, DP 1030172, Part Lot D, DP 330222 and Lot C, DP 330222, and known, respectively, as Nos 657, 659 and 661 Pacific Highway, Killara.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ku-ring-gai Local Environmental Plan No 202

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in appropriate order in the definition of *Scheme map* in clause 4 (1):

Ku-ring-gai Local Environmental Plan No 202

[2] Schedule 8 Development for certain additional purposes

Insert at the end of the Schedule:

Lot 1, DP 1030172 and Part Lot D, DP 330222 and Lot C, DP 330222 (Nos 657–661 Pacific Highway, Killara)—basement car parking of at least 60 car spaces for the exclusive use of the Greengate Hotel (No 655A Pacific Highway, Killara), but only if:

- (a) the basement car parking will be provided in conjunction with multi-unit housing and associated residential car parking development, and
- (b) deep soil landscaping will be provided:
 - (i) to at least 35% of the site area, and
 - (ii) to a width of at least 8 metres along the Pacific Highway and Bruce Avenue, Killara frontages, and
- (c) in addition to deep soil landscaping as required by paragraph (b) of this item, a further 25% of the site area will be provided with soil to a depth of at least 2 metres (not being deep soil landscaping).

Natural Resources

WATER MANAGEMENT ACT 2000

Water Management (Minister's Plans) Order No. 1 of 2005

I, CRAIG JOHN KNOWLES, M.P., Minister for Natural Resources, in pursuance of section 45(4) of the Water Management Act 2000, do, by this my Order, amend each Minister's plan referred to in the Schedule to the Order by omitting from Clause 3 of each plan the matter '1 July 2005' and by inserting instead the matter '1 July 2006'.

This Order takes effect on the date that it is published in the *Government Gazette*.

Dated this 14th day of June 2005.

CRAIG JOHN KNOWLES, M.P.,
Minister for Natural Resources

Explanatory Note

The object of this Order is to postpone the commencement of the Minister's plans listed in the Schedule from 1 July 2005 to 1 July 2006.

SCHEDULE

Water Sharing Plan for the Lower Gwydir Groundwater Source 2003

Water Sharing Plan for the Lower Lachlan Groundwater Source 2003

Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003

Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003

Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003

WATER ACT 1912

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

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Macquarie River Valley

John Arthur WILLOTT and Dianne Margaret WILLOTT for a pump on the Macquarie River, Lot 100 in DP 871408, Parish of Kelso, County of Roxburgh, for irrigation of 12.5 hectares (vegetables) (replacement licence by way of permanent transfer) (Reference: 80SL96217).

Castlereagh River Valley

Lex NALDER for a pump on the Castlereagh River, Lot 7012, DP 93150 (TSR2268), Parish of Moolambong, County of Leichhardt, for water supply for stock purposes (new licence) (Reference: 80SL96218).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

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

KENSINGTON ARTESIAN WELL DISTRICT for a proposed artesian bore, Lot 64, DP 754223, Parish of Matouree, County of Leichhardt, for water supply for stock and domestic purposes to the occupiers of Lots 3, 8, 9, 13, 14, 23, 27, 28, 29, 31, 32, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 49, 50, 61, 62, 63, 64, 66, 67, 71 and 77 in DP 754223, Parish of Matouree, County of Leichhardt, Lots 44, 45 and 49 in DP 750275, Parish of Evans, County of Baradine, Lots 1-5 in DP 133361, Lots 2, 4, 12, 19, 20, 24, 26, 30, 34, 47, 48, 51, 53, 54, 68 and 69 in DP 754223, Parish of Matouree, County of Leichhardt, Lot 9 in DP 665464, Parish of Keadool, County of Leichhardt, Lots 1, 2 and 13 in DP 754226, Parish of Moora, County of Leichhardt, Lot 1 in DP 365306, Lot 1 in DP 365307, Lot 1 in DP 365308, Parish of Keadool, County of Leichhardt and Lot 9 in DP 750287, Parish of McFarlane, County of Baradine (replacing abandoned Kensington bore number 4280) (Reference: 80BL242865)

Max Georges LEFEBURE and Louise Gray LEFEBURE for a proposed artesian bore, Lot 33 in DP 754278, Parish of Yarragoora, County of Leichhardt, for water supply for stock and domestic purposes (replacing abandoned bore number 4059) (Reference: 80BL242885).

GA2:306731.

Any inquiries regarding the above should be directed to the undersigned (telephone 6884 2560).

Written objections to the applications specifying grounds of how your interests may be affected may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Office at Dubbo, by the 29 July 2005, as prescribed by the Act.

FRED HUNDY,
Water Access Manager,
Macquarie

Department of Infrastructure, Planning and
Natural Resources,
PO Box 717, Dubbo NSW 2830.

WATER ACT 1912

APPLICATIONS for licences under section 10 of the Water Act 1912, as amended, have been received from:

Donald Keith McQUEEN and Glenda Mary McQUEEN for a pump on Eden Creek (regulated section) easement within Lot 14, DP 1082436, Parish Queebun, County Rous, for water supply for domestic purposes (new licence) (Reference: GRA6323438).

Donald Keith McQUEEN and Glenda Mary McQUEEN for a pump on Eden Creek (regulated section) easement within Lot 14, DP 1082436, Parish Queebun, County Rous, for water supply for domestic purposes (new licence) (Reference: GRA6323439).

Donald Keith McQUEEN and Glenda Mary McQUEEN for a pump on Eden Creek (regulated section) easement within Lot 14, DP 1082436, Parish Queebun, County Rous, for water supply for domestic purposes (new licence) (Reference: GRA6323440).

GA2:476103.

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6640 2000).

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

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

WATER ACT 1912

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

Murrumbidgee Valley

Raymond Clyde HAWKE and Catherine Florence HAWKE for a bore on Lot 1, DP 617242, Parish of Cowcumbala, County of Harden, for the irrigation of 121 hectares (lucerne) (new licence) (Reference: 40BL190597).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 22 July 2005, as prescribed by the Act.

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

Department of Infrastructure, Planning and
Natural Resources,
PO Box 156, Leeton NSW 2705.

Department of Lands

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6841 5200 Fax: (02) 6841 5231

CROWN LANDS ACT 1989

Declaration of Land to be Crown Land

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in the Schedule hereunder, is hereby declared to be Crown Land within the meaning of that Act.

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

SCHEDULE

Land District – Warren;
Local Government Area – Warren;
Parish – Warren; County – Oxley.

Lot 5 of section 26 in Deposited Plan 759056 with an area of 689.2 square metres, being the land contained within Volume 15500, Folio 130.

File No.: DB05 H 96.

GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580

Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Correction of Defective Instrument

SCHEDULE 1

IN pursuance of the provisions of the Roads Act 1993, section 257, the Instrument contained within *Government Gazette* No. 65, dated 13 June 2005, Folio 1940, being NOTIFICATION OF CLOSING OF A ROAD in the Parish of Binalong, County of Harden, is hereby amended by deleting the notice under Schedule 1 (*Government Gazette* of 4 March 2005, Folio 655 being the valid gazette).

Reference: GB02 H 108.JK.

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

Land District – Lismore; L.G.A. – Lismore City Council.

Roads Closed: Lots 1 and 2, DP 1081539 at Caniaba, Parish South Gunderimba, County Rous.

File No.: GF04 H 122.

SCHEDULE

On closing, the land within Lots 1 and 2, DP 1081539 becomes vested in Lismore City Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: LW:TMI:13508:DA04/263:05-4569.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE**COLUMN 1**

Rosebank Recreation Reserve Trust.

COLUMN 2

Reserve No.: 86049.
Public Purpose: Public recreation.
Notified: 4 November 1966.
File No.: GF00 R 36.

HAY OFFICE**126 Lachlan Street (PO Box 182), Hay NSW 2711****Phone: (02) 6993 1306 Fax: (02) 6993 1135****APPOINTMENT OF AN ADMINISTRATOR OF A COMMON TRUST**

PURSUANT to section 48 of the Commons Management Act 1989, the person named in Column 1 of the Schedule hereunder, is hereby appointed as administrator of the Common Trust in Column 2 for the term shown thereunder.

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

SCHEDULE**COLUMN 1**

Amos FERGUSON.

Term: For a term commencing this day and expiring 24 December 2005.

File No.: HY80 H 355.

COLUMN 2

Wamboota Common Trust.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE**COLUMN 1**

Raymond John BURWOOD (re-appointment), Edith Margaret SALTER (re-appointment), Anthony William BAILEY (new member), Brian Charles LARTER (new member), Gerard Kevin McCARTHY (re-appointment), Andrew James GORMAN (re-appointment), Peter Charles FOX (re-appointment).

COLUMN 2

Berrigan Racecourse Trust.

COLUMN 3

Reserve No.: 76771.
Public Purpose: Addition and racecourse.
Notified: 28 May 1954.

Reserve No.: 27352.
Public Purpose: Racecourse.
Notified: 5 March 1898.
File No.: HY81 R 14.

Term of Office

For a term commencing 30 September 2005 and expiring 29 September 2010.

MAITLAND OFFICE
Newcastle Road (PO Box 6), East Maitland NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|--|--------------------------------------|--|
| Multicultural Neighbourhood Centre Incorporated. | East Lambton Memorial Hall Trust. | Dedication No.: 570097. Public Purpose: Public hall. Notified: 27 July 1956. File No.: MD80 R 20/4. |

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 – Ravensworth; County – Durham;
Land District – Singleton;
Local Government Area – Singleton.*

Road Closed: Lot 1, DP 1078618 at Lemington.

File No.: MD87 H 387.

Note: On closing, the land within Lot 1, DP 1078618 will remain land vested in the Crown as Crown Land.

Description

*Parish – Dungog; County – Durham;
Land District – Dungog;
Local Government Area – Dungog.*

Road Closed: Lots 1 and 2, DP 1071923 at Dungog.

File No.: MD98 H 103.

Note: On closing, the land within Lots 1 and 2, DP 1071923 will remain land vested in the Crown as Crown Land.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 6900 Fax: (02) 4428 6988

**PLAN OF MANAGEMENT FOR A CROWN
 RESERVE UNDER DIVISION 6 OF PART 5 OF
 THE CROWN LANDS ACT 1989 AND CROWN
 REGULATION 2000**

A draft plan of management has been prepared for the Crown reserve at Batemans Bay described hereunder.

Inspection of the draft plan can be made at Eurobodalla Shire Council Main Administration Office at Moruya; Eurobodalla Shire Council Public Libraries at Batemans Bay, Moruya and Narooma and the Nowra Office of the Department of Lands, 5 O'Keefe Avenue, Nowra, during normal business hours from 22 June 2005 up until 29 July 2005. The draft plan may also be viewed on Council's website www.esc.nsw.gov.au.

Written submissions are invited from the public on the draft plan and should be sent to the General Manager, Eurobodalla Shire Council, PO Box 99, Moruya (File Reference 04.8527). Contact Officer: Deborah Purss, telephone: 4474 1374 by 12 August 2005.

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

Description of Reserve

*Land District – Moruya; Shire – Eurobodalla;
 Parish – East Nelligen; County – St Vincent.*

Reserve 58089 for access and public recreation (Surfside Beach Foreshore Reserve), at Batemans Bay.

File No.: NA81 R 211.

**APPOINTMENT OF CORPORATION TO MANAGE
 RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedules hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedules.

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

SCHEDULE 1

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|----------------------------|------------------------------------|---|
| Eurobodalla Shire Council. | Eurobodalla (North) Reserve Trust. | Reserve No.: 97873. Public Purpose: Public recreation. Notified: 16 August 1985. Reserve No.: 76863. Public Purpose: Public recreation. Notified: 25 June 1954. Reserve No.: 74021. Public Purpose: Public recreation. Notified: 9 February 1951. Reserve No.: 95690. Public Purpose: Camping and public recreation. Notified: 27 November 1981. |

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|----------|----------|--|
| | | Reserve No.: 20853. Public Purpose: Public recreation. Notified: 9 June 1894. Reserve No.: 89377. Public Purpose: Public recreation. Notified: 14 February 1975. Reserve No.: 85174. Public Purpose: Public recreation and access. Notified: 8 January 1965. Reserve No.: 85999. Public Purpose: Public recreation. Notified: 14 October 1966. File No.: NA05 R 9/1. |

SCHEDULE 2

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|----------------------------|--------------------------------------|---|
| Eurobodalla Shire Council. | Eurobodalla (Central) Reserve Trust. | Reserve No.: 975. Public Purpose: Public recreation and access. Notified: 26 November 1883. Reserve No.: 86623. Public Purpose: Public recreation and camping. Notified: 9 February 1968. Reserve No.: 76988. Public Purpose: Public recreation. Notified: 20 August 1954. Reserve No.: 180025. Public Purpose: Public recreation. Notified: 29 April 1988. Reserve No.: 57091. Public Purpose: Public recreation. Notified: 23 May 1924. Reserve No.: 527. Public Purpose: Public recreation. Notified: 25 October 1880. Reserve No.: 180003. Public Purpose: Public recreation. Notified: 19 September 1986. Reserve No.: 86874. Public Purpose: Rubbish depot. Notified: 27 September 1968. Reserve No.: 60400. Public Purpose: Public recreation. Notified: 27 April 1928. File No.: NA05 R 9/1. |

SCHEDULE 3

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|----------------------------|------------------------------------|--|
| Eurobodalla Shire Council. | Eurobodalla (South) Reserve Trust. | Reserve No.: 21043. Public Purpose: Public recreation. Notified: 7 July 1894. Reserve No.: 69268. Public Purpose: Public recreation and resting place. Notified: 31 May 1940. |

| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 1 | COLUMN 2 |
|----------|----------|---|----------|--|
| | | Reserve No.: 63380. Public Purpose: Public recreation and resting place. Notified: 10 June 1932. | | Reserve No.: 75259. Public Purpose: Public recreation. Notified: 15 August 1952. |
| | | Reserve No.: 89996. Public Purpose: Local Government purposes. Notified: 17 December 1976. | | Reserve No.: 97405. Public Purpose: Public recreation. Notified: 24 August 1984. |
| | | Reserve No.: 67929. Public Purpose: Public recreation. Notified: 14 October 1938. | | Reserve No.: 81214. Public Purpose: Plantation. Notified: 7 November 1958. |
| | | Reserve No.: 89166. Public Purpose: Public recreation. Notified: 22 March 1974. | | Reserve No.: 21043. Public Purpose: Public recreation. Notified: 7 July 1894. |
| | | Reserve No.: 75259. Public Purpose: Public recreation. Notified: 15 August 1952. | | Reserve No.: 88718. Public Purpose: Public recreation and access. Notified: 15 September 1972. |
| | | Reserve No.: 97405. Public Purpose: Public recreation. Notified: 24 August 1984. | | Reserve No. 6. Public Purpose: Access and public recreation. Notified: 20 May 1885. File No.: NA05 R 9/1. |
| | | Reserve No.: 81214. Public Purpose: Plantation. Notified: 7 November 1958. | | |
| | | Reserve No.: 88718. Public Purpose: Public recreation and access. Notified: 15 September 1972. | | |
| | | Reserve No.: 6. Public Purpose: Access and public recreation. Notified: 20 May 1885. File No.: NA05 R 9/1. | | |

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedules.

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

SCHEDULE 1

| COLUMN 1 | COLUMN 2 |
|------------------------------------|--|
| Eurobodalla (South) Reserve Trust. | Reserve No.: 69268. Public Purpose: Public recreation and resting place. Notified: 31 May 1940. |
| | Reserve No.: 63380. Public Purpose: Public recreation and resting place. Notified: 10 June 1932. |
| | Reserve No.: 89996. Public Purpose: Local Government purposes. Notified: 17 December 1976. |
| | Reserve No.: 67929. Public Purpose: Public recreation. Notified: 14 October 1938. |
| | Reserve No.: 89166. Public Purpose: Public recreation. Notified: 22 March 1974. |

SCHEDULE 2

| COLUMN 1 | COLUMN 2 |
|------------------------------------|--|
| Eurobodalla (North) Reserve Trust. | Reserve No.: 97873. Public Purpose: Public recreation. Notified: 16 August 1985. |
| | Reserve No.: 76863. Public Purpose: Public recreation. Notified: 25 June 1954. |
| | Reserve No.: 74021. Public Purpose: Public recreation. Notified: 9 February 1951. |
| | Reserve No.: 95690. Public Purpose: Camping and public recreation. Notified: 27 November 1981. |
| | Reserve No.: 20853. Public Purpose: Public recreation. Notified: 9 June 1894. |
| | Reserve No.: 89377. Public Purpose: Public recreation. Notified: 14 February 1975. |
| | Reserve No.: 85174. Public Purpose: Public recreation and access. Notified: 8 January 1965. |
| | Reserve No.: 85999. Public Purpose: Public recreation. Notified: 14 October 1966. File No.: NA05 R 9/1. |

SCHEDULE 3

| COLUMN 1 | COLUMN 2 |
|--------------------------------------|---|
| Eurobodalla (Central) Reserve Trust. | Reserve No.: 975. Public Purpose: Public recreation and access. Notified: 26 November 1883. |

COLUMN 1**COLUMN 2**

Reserve No.: 86623.
Public Purpose: Public recreation and camping.
Notified: 9 February 1968.

Reserve No.: 76988.
Public Purpose: Public recreation.
Notified: 20 August 1954.

Reserve No.: 180025.
Public Purpose: Public recreation.
Notified: 29 April 1988.

Reserve No.: 57091.
Public Purpose: Public recreation.
Notified: 23 May 1924.

Reserve No.: 527.
Public Purpose: Public recreation.
Notified: 25 October 1880.

Reserve No.: 180003.
Public Purpose: Public recreation.
Notified: 19 September 1986.

Reserve No.: 86874.
Public Purpose: Rubbish depot.
Notified: 27 September 1968.

Reserve No.: 60400.
Public Purpose: Public recreation.
Notified: 27 April 1928.
File No.: NA05 R 9/1.

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****REVOCATION OF RESERVATION OF CROWN LAND****SCHEDULE 2**

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

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

SCHEDULE 1**COLUMN 1**

Land District: Blayney.
Local Government Area: Cowra Shire Council.
Locality: Wyangala.
Reserve No.: 89841.
Public Purpose: Future public requirements.
Notified: 11 June 1976.
File No.: OE03 H 257.

COLUMN 2

The whole being Lot 53,
DP No. 45932, Parish Purfleet,
County Bathurst, of an area of
1595 hectares.

COLUMN 1

Land District: Bathurst.
Local Government Area:
Bathurst Regional Council.
Locality: Sofala.
Reserve No.: 94766.
Public Purpose: Future public requirements.
Notified: 15 May 1981.
File No.: OE80 H 2248.

COLUMN 2

The whole being Lot 523,
DP No. 755790, Parish Sofala,
County Roxburgh, of an area of
129 hectares.

SCHEDULE 3**COLUMN 1**

Land District: Bathurst.
Local Government Area:
Bathurst Regional Council.
Locality: Sofala.
Reserve No.: 86781.
Public Purpose: Soil conservation.
Notified: 21 June 1968.
File No.: OE80 H 2248.

COLUMN 2

The whole being Lot 523,
DP No. 755790, Parish Sofala,
County Roxburgh, of an area of
129 hectares.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 9895 7657 Fax: (02) 9895 6227

ROADS ACT 1993

ORDER

Transfer of a Crown Road to Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown 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 roads.

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

SCHEDULE 1

*Land District – Penrith;
Local Government Area – Blue Mountains;
Parish – Linden; County – Cook.*

The part of Adeline Street at Lawson between the western boundary of Park Street and the western boundary of Somers Street.

The part of Somers Street at Lawson from the northern boundary of Livingstone Street to the southern boundary of Baths Road.

SCHEDULE 2

Roads Authority: Blue Mountains City Council.

File No.: MN05 H 90.

Council's Reference: X/1016/2004.

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

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---------------------------|-------------------------------------|--|
| Sutherland Shire Council. | Tonkin Park (R73574) Reserve Trust. | Reserve 73574 for the purpose of public recreation, notified in the <i>Government Gazette</i> of 23 June 1950. File No.: MN94 R 77. |

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

| COLUMN 1 | COLUMN 2 |
|-------------------------------------|--|
| Tonkin Park (R73574) Reserve Trust. | Reserve 73574 for the purpose of public recreation, notified in the <i>Government Gazette</i> of 23 June 1950. File No.: MN94 R 77. |

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

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------------------------------|--|--|
| Peter CRAIG (new member). | Tuncurry Public Hall Reserve Trust. | Reserve No.: 54151. Public Purpose: Public hall. Notified: 10 September 1920. File No.: TE80 R 193/2. |

Term of Office

For a term commencing the date of this notice and expiring 7 April 2010.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District – Taree;
Local Government Area – Greater Taree.

Road Closed: Lots 1 and 2, DP 1079926 at Wingham, Parish of Wingham, County of Macquarie.

File No.: TE04 H 141.

Note: On closing, the land within Lots 1 and 2 vest in the State of New South Wales as Crown Land.

ROADS ACT 1993

ORDER

Transfer of Crown Public Road to a Council

IN pursuant 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 road specified in Schedule 1 cease to be Crown public road.

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

SCHEDULE 1

Parish – Belbora; County – Gloucester;
Land District – Taree;
Local Government Area – Greater Taree.

That part of the Crown public road from the Buckets Way to a point where the Crown road first abuts the northern boundary of Lot 52, DP 826796 as shown by black shading on diagram hereunder.

File No.: TE03 H 237(6).



SCHEDULE 2

Roads Authority: Greater Taree City Council.

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 10 June 2005 (Folio 2229), under the heading "DECLARATION OF LAND TO BE CROWN LAND". Please amend the notification by deleting "Parish Bundawarra" and replacing it with "Parish Thanowring".

File No.: WA03 H 139.

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**

Albury City Council Crown
Reserves Reserve Trust.

COLUMN 2

Reserve No.: 83927.
Public Purpose: Municipal
storage.
Notified: 20 July 1962.
File No.: WA86 A 16.

Department of Primary Industries

Agriculture

STOCK DISEASES (GENERAL) REGULATION 2004

Order Pursuant to Clause 26

Exemptions from the Requirement for Stock to be Identified with a Permanent Identifier and for Information to be Provided to the Permanent Identification Register

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries:

- A. pursuant to Clause 26 of the Stock Diseases (General) Regulation 2004 ('the regulation'), revoke: the order titled 'Exemptions from the Requirement for Stock to be Identified with a Permanent Identifier' published in *Government Gazette* No. 111 of 1 July 2004; the order titled 'Erratum – Exemptions from the Requirement for Stock to be Identified with a Permanent Identifier' published in *Government Gazette* No. 134 of 13 August 2004; and any order revived as a result of this revocation; and
- B. pursuant to Clause 26 of the regulation exempt a specified person or class of persons from Part 3, Division 4, of the regulation in accordance with Schedule 1.

SCHEDULE 1

1. In this order–
 - bobby calf means a calf of less than 6 weeks of age that is not accompanied by its dam.
 - Rural Lands Protection Board means a rural lands protection board as defined in the Rural Lands Protection Act 1998.
 - special NLIS device means a special identifier that is approved by the SAFEMEAT National Livestock Identification System Standards Committee as a post breeder device and which contains either a district code or a property identification code that has been assigned to a saleyard.

Exemption from Part 3 Division 4 – Mandatory Permanent Identification of Stock

2. The following persons or class of persons are exempt from Part 3 Division 4 of the regulation:
 - (i) owners or persons in charge of identifiable stock,
 - (ii) buyers or persons in possession of identifiable stock,
 - (iii) owners or persons in charge of a saleyard or abattoir, or
 - (iv) stock and station agents,
 where those persons are dealing with or handling identifiable stock that is:
 - 2.1
 - (i) a bobby calf, and
 - (ii) identified with a transaction identifier as required by Part 3 Division 2 of the regulation, and
 - (iii) moved before 31 December 2005 directly from its property of birth to an abattoir for slaughter or to a saleyard for sale, and

(iv) slaughtered within 7 days of the movement;

OR

2.2

(i) born on a travelling stock reserve, road, saleyard or other public place,

(ii) unweaned, and

(iii) sent directly to:

a. a property owned or occupied by the owner of the stock, or

b. another travelling stock reserve, or

c. a property owned or occupied by the buyer of the stock where the stock concerned is born in a saleyard;

OR

2.3

(i) a bull that was born before 1 July 2004, and

(ii) more than 750 kilograms in weight, and

(iii) identified with a transaction identifier as required by Part 3 Division 2 of the regulation;

OR

2.4

(i) located on a property that does not have a property identification code or where it is not practical to attach permanent identifiers safely, and

(ii) moved directly from the property in accordance with a permit under section 7(6) of the Stock Diseases Act 1923, and

(iii) if the stock is sent to a saleyard for sale or an abattoir for slaughter, identified with:

a. a permanent identifier no later than the day before the stock is sold or slaughtered, or

b. with a special NLIS device before the stock is sold or slaughtered, or

(iv) if the stock is sent to any other place, identified before the stock leaves that place with:

a. a permanent identifier, or

b. a special NLIS device;

OR

2.5

(i) moved to a contiguous property and returned to the original property within 7 days;

OR

2.6

(i) moved between different parts of the same property across or along a public road, and

(ii) moved in accordance with the provisions of the Rural Lands Protection Act 1998 either:

a. directly in a vehicle and accompanied by a correctly completed transported stock statement, or

b. by walking in accordance with a stock permit;

OR

2.7

- (i) moved to a cattle tick dip in accordance with a permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923 or with the conditions of quarantine imposed under that Act;

OR

2.8

- (i) owned by a mobile exhibition or animal display establishment which is licensed under the Exhibited Animals Protection Act 1986, and
- (ii) not moved to a saleyard or abattoir, and
- (iii) not sold;

OR

2.9

- (i) sent to a saleyard for sale, and
- (ii) identified in accordance with Part 3 Division 2 of the regulation, and
- (iii) identified in accordance with Part 3 Division 4 of the regulation at the time the stock was sent but has subsequently lost that identifier, or the identifier cannot be read electronically, and
- (iv) identified with a special identifier before the stock leaves the saleyard;

OR

2.10

- (i) moved before 1 July 2005 to agistment on a property that is not owned or occupied by the owner of the stock, or to a travelling stock reserve, including a calf born to such stock while on agistment or on a travelling stock reserve, and
- (ii) returned directly to a property owned or occupied by the owner of the stock or to another travelling stock reserve, before 31 December 2005;

OR

2.11

- (i) moved directly from the property in accordance with the prior approval of an inspector, and
- (ii) if the stock is sent to a saleyard for sale or an abattoir for slaughter, identified with a special identifier before the stock is sold or slaughtered.

Note: This exemption 2.11 may be applied in respect of emergency type situations where unidentified stock needs to be moved urgently.

Exemption from Part 3 Division 4 clause 24(7) – Stock slaughtered at abattoir

3. The following persons or class of persons are exempt from Part 3 Division 4 clause 24(7) of the regulation:

- (i) owners or persons in charge of an abattoir that is licensed as a knackery in accordance with the Food Act 2003 where those persons:
 - a. are dealing with or handling identifiable stock that is identified in accordance with Part 3 Division 2 and Division 4 of the regulation, and
 - b. provide the relevant identification particulars of stock slaughtered or processed at the premises to a Rural Lands Protection Board or the Department of Primary Industries within 7 days of slaughter or of receiving a carcass.

This Order commences on 1 July 2005.

Signed this 15th day of June 2005.

B. D. BUFFIER,
Director-General

Roads and Traffic Authority

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

Order Fixing Fees

I, PAUL WILLOUGHBY, Acting Chief Executive of the Roads and Traffic Authority, pursuant to Clause 126E of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999, do by this Order fix the fees set out in the Schedule to this Order in respect of the services shown adjacent to them.

This Order takes effect on 1 July 2005.

PAUL WILLOUGHBY,
Acting Chief Executive,
Roads and Traffic Authority

Note: This Order replaces the Order published in *NSW Government Gazette* No. 159 of 29 September 2003, at page 9725.

SCHEDULE

| Services | \$ |
|--|--------------------|
| Fee for the issue of an individual or organisational mobility parking scheme authority (except where the applicant is an eligible pensioner) | \$31 per authority |
| Fee for the issue of a temporary mobility parking scheme authority (except where the applicant is an eligible pensioner) | \$10 per authority |
| Fee for the issue of a replacement mobility parking scheme authority (except where the applicant is an eligible pensioner) | \$10 per authority |
| Fee for the issue of a replacement mobility parking scheme authority where the applicant is an eligible pensioner | \$5 per authority |

In this Schedule, an eligible pensioner means a person:

- (a) who is the holder of a current New South Wales Pensioner Concession Card which is in force issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs, or
- (b) who is receipt of an amount of 70% or higher of a disability pension paid by the Commonwealth Department of Veterans' Affairs, or an Intermediate or Extreme Disablement Adjustment Pension, or
- (c) who is an armed services widow within the meaning of the Social Security Act 1991 of the Commonwealth, and
 - (i) who is in receipt of a pension under Part II or IV of the Veterans' Entitlements Act 1986 of the Commonwealth at the maximum rate applicable under section 1064 (5) of the Social Security Act 1991 of the Commonwealth, and
 - (ii) who is under the pension age for the person set out in section 5QA of the Veterans' Entitlement Act 1986 of the Commonwealth, or
- (d) who is under 16 years of age and named as a dependant on the current New South Wales Pensioner Concession Card in (a) above.

ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1997

Notice Fixing Fees

I, PAUL WILLOUGHBY, Acting Chief Executive of the Roads and Traffic Authority, pursuant to section 8(1)(k) of the Road Transport (Vehicle Registration) Act 1997 and Clause 79 of the Road Transport (Vehicle Registration) Regulation 1998, FIX the fees set out in Column 2 of the Schedule to this Notice in respect of the services shown opposite to them in Column 1 of that Schedule.

This Notice takes effect on 1 July 2005.

PAUL WILLOUGHBY,
Acting Chief Executive,
Roads and Traffic Authority

Note: This Notice replaces the Notices published in *NSW Government Gazette* No. 110 of 1 July 2004, at page 4979.

SCHEDULE

| COLUMN 1 | COLUMN 2 – \$ |
|--|---------------|
| 1. Duplicate certificate of registration | 17 |
| 2. Duplicate registration label | 17 |
| 3. Issue of a bicycle rack number-plate or issue of a bicycle rack number-plate in substitution for a surrendered bicycle rack number plate..... | 31 |
| 4. Remade plates – Numeral only plates Vitreous enamel | 133 |
| Aluminium | 50 |
| 5. Book of inspection reports for issue at authorised inspection station: Book containing 100 reports | 80 |
| 6. Copy of rules for authorised inspection station | 54 |
| 7. Certificate from records pursuant to Clause 15(6)..... | 23 |
| 8. Information from records (other than a certificate pursuant to Clause 15(7))..... | 17 |
| 9. Transfer of right to display plates Personalised Plus plates only | 154 |
| 10. Transfer of Numeral only plates – Vehicle Plates: | |
| i) Category 1, 1 digit plate | 7741 |
| ii) Category 2, 2 digit plate | 3096 |
| iii) Category 3, 3 digit plate | 1548 |
| iv) Category 4, 4 digit plate | 774 |
| v) Category 5, 5 digit plate | 308 |
| vi) Category 6, 6 digit plate | 152 |
| 11. Transfer of Numeral only plates – Motorcycle Plates | |
| i) Category 1, 1 digit plate | 1548 |
| ii) Category 2, 2 digit plate | 309 |
| iii) Category 3, 3 digit plate | 152 |
| iv) Category 4, 4 digit plate | 113 |

| | | | |
|--|-----|---|-----|
| v) Category 5, 5 digit plate | 75 | 24. White plates | |
| vi) Category 6, 6 digit plate | N/A | i) Order fee (Standard only) | 66 |
| 12. Packing & Posting – Plates | 19 | ii) Order fee (Personalised and Personalised Plus only) | 50 |
| 13. Packing & Posting – Inspection Report Books | 17 | iii) Annual style fee (Personalised only) | 40 |
| 14. Fee for Cancellation of Registration | 21 | iv) Annual content fee (Personalised only) | 60 |
| 15. Permit to use unregistered vehicle | 17 | v) Annual content fee (Personalised Plus only) | 400 |
| 16. Remade Plates – Centenary of Federation | 65 | vi) Remake fee | 50 |
| 17. Remade Plates – Limited Edition Centenary of Federation Plates | 81 | 25. Black plates | |
| 18. European plates | | i) Order fee (Personalised only) | 50 |
| i) Order fee (Personalised plates only) | 50 | ii) Annual style fee (Personalised only) | 40 |
| ii) Standard plate fee | 190 | iii) Annual content fee (Personalised only) | 60 |
| iii) Personalised annual content fee | 60 | iv) Remake fee | 50 |
| iv) Personalised annual style fee | 70 | 26. Number Plate Hold Fee | 50 |
| v) Remake fee | 190 | 27. Number Plate Exchange Fee | 50 |
| 19. Administration fee for Conditional Registration | 17 | 28. Yellow (Personalised)(Motorcycle and Trailer) One off fee | 178 |
| 20. Regional Theme plates | | | |
| i) Order fee (personalised plates only) | 50 | | |
| ii) Standard plate fee | 153 | | |
| iii) Personalised annual content fee | 60 | | |
| iv) Personalised annual style fee | 70 | | |
| v) Remake fee | 94 | | |
| 21. Coloured plates (red, blue, purple, green) | | | |
| i) Order fee | 50 | | |
| ii) Annual style fee | 70 | | |
| iii) Personalised annual content fee | 60 | | |
| iv) Personalised Plus annual content style fee | 400 | | |
| v) Remake fee | 50 | | |
| 22. Wallaby plates | | | |
| i) Order fee (Standard and Personalised only) | 50 | | |
| ii) Order fee (Personalised Plus only) | 450 | | |
| iii) Annual style fee | 90 | | |
| iv) Personalised annual content fee | 60 | | |
| v) Remake fee | 50 | | |
| 23. Custom Yellow plates | | | |
| i) Order fee (Personalised Plus only) | 50 | | |
| ii) Annual content fee (Personalised Plus only) | 400 | | |
| iii) Remake fee (Personalised Plus only) | 50 | | |

**ROAD TRANSPORT (DRIVER LICENSING) ACT
1998**

Notice Fixing Fees

I, PAUL WILLOUGHBY, Acting Chief Executive of the Roads and Traffic Authority, pursuant to section 10 of the Road Transport (Driver Licensing) Act 1998 and Clause 62 of the Road Transport (Driver Licensing) Regulation 1999, FIX the fees set out in the Schedule to this Notice in respect of the services appearing adjacent to them.

This Notice takes effect on 1 July 2005.

PAUL WILLOUGHBY,
Acting Chief Executive,
Roads and Traffic Authority

Note: This Notice replaces the Notice published in *NSW Government Gazette* No. 110 of 1 July 2004, at page 4982.

SCHEDULE

| | \$ |
|---|-----|
| 1. Sound Advice | 10 |
| 2. CBA Assessors Course | 905 |
| 3. Motorcycle Riding Instructor Training Course | 579 |
| 4. Learner Replacement Logbook | 12 |

ROADS ACT 1993

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

GILGANDRA SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

P. A. MANN,
General Manager,
Gilgandra Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Gilgandra Shire Council Road Train Notice No. 1, 2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 1 June 2010, unless it is amended or repealed earlier.

4. Application

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

5. Routes

Road Train routes within the Gilgandra Council.

| Type | Road No. | Road Name | Starting Point | Finishing Point | Conditions |
|------|----------|--------------------------------------|---------------------|-------------------|--|
| RT | 212 | National Park Road – Gilgandra Shire | East Coonamble Road | Box Ridge Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 211 | Hillside Hall Road- Gilgandra Shire | National Park Road | Hillside Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 259 | Nalder Access Road – Gilgandra Shire | National Park Road | ‘Judes Park’ gate | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |

| Type | Road No. | Road Name | Starting Point | Finishing Point | Conditions |
|------|----------|---------------------------------------|---------------------|---------------------|--|
| RT | 213 | Brooks Road – Gilgandra Shire | National Park Road | ‘Kirwee’ gate | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 258 | Nalders Road – Gilgandra Shire | East Coonamble Road | ‘Studholme’ gate | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 206 | Curban Biddon Road – Gilgandra Shire | Newell Highway | East Coonamble Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 207 | Bulga Hillside Road – Gilgandra Shire | Hillside Road | Curban Biddon Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 204 | Bulga Road – Gilgandra Shire | Curban Biddon Road | Avondale Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 203 | Avondale Road – Gilgandra Shire | Newell Highway | East Coonamble Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |

| Type | Road No. | Road Name | Starting Point | Finishing Point | Conditions |
|------|----------|--|--------------------|---------------------------------------|--|
| RT | 402 | Bedford Park Road – Gilgandra Shire | National Park Road | 5.5 kms east of National Park Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 201 | East Coonamble Road – Gilgandra Shire | Newell Highway | Nalders Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 273 | Creenaunes Lane – Gilgandra Shire | Bulga Road | 4.2 km west of Bulga Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |
| RT | 209 | Hillside Road – Gilgandra Shire | National Park Road | Bulga Hillside Road | Travel is not permitted during the following hours on school days: 7:45 am to 9:00 am 3:30 pm to 4:45 pm There is no road train access from local roads to the Newell Highway north of Gilgandra. |

ROADS ACT 1993

Notice Under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation 1996

ROADS and Traffic Authority, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PAUL WILLOUGHBY,
Acting Chief Executive,
Roads and Traffic Authority
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 6/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2005, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Roads and Traffic Authority.

| Type | Road No. | Road | Starting Point | Finishing Point |
|------|----------|----------------|----------------|---|
| 25 | 334 | Mendooran Road | New Molyan | Castlereagh Highway, 200m west of Mendooran |

ROADS ACT 1993

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

COOMA-MONARO SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

NEIL WATT,
General Manager,
Cooma-Monaro Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Cooma-Monaro Shire Council 19 metre B-Double Notice No. 2/2005.

2. Commencement

This Notice takes effect from 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 19 metre B-Doubles where gross weight exceeds 50 tonnes and that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

19 Metre B-Double Routes within the Cooma-Monaro Shire Council where Gross Weight exceeds 50t.

| Type | Road No. | Road Name | Starting point | Finishing point | Conditions |
|------|----------|-----------------------|--|-------------------------------|---|
| 19 | 000 | Jerangle Road | Palerang/Cooma-Monaro LGA Bdy | Monaro Highway (SH19), Bredbo | Travel not permitted on school days between the hours of: 8:00 am to 9:00 am and 3:00 pm to 4:00 pm |
| 19 | 000 | Wild Cattle Flat Road | Palerang/Cooma-Monaro LGA Bdy | Jerangle Road | |
| 19 | 000 | Anembo Road | Tallaganda State Forest Bdy | Jerangle Road | |
| 19 | 7625 | Badja Road | Krawarree Road (RR7625), Palerang / Cooma-Monaro LGA Bdy | Countegany Road (RR7625) | |
| 19 | 000 | Badja Forest Road | Badja Road (RR7625) | Badja State Forest Bdy | |
| 19 | 7625 | Countegany Road | Badja Road (RR7625) | Numeralla Road (RR7625) | Travel not permitted on school days between the hours of: 7:30 am to 8:30am and 3:30 pm to 4:30 pm |

ROADS ACT 1993

General Class 3 Concrete Pipe Carrier Notice under Division 3 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, PAUL WILLOUGHBY, Acting Chief Executive of the Roads and Traffic Authority, in pursuance of Part 3 of Division 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, exempt vehicles carrying concrete pipes from the provisions of Clause 75 of Schedule 4 to the Road Transport (Vehicle registration) Regulation 1998, subject to the conditions and requirements set out in this Notice.

PAUL WILLOUGHBY,
Acting Chief Executive,
Roads and Traffic Authority

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- 3.1 Width of vehicles and loads
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Part 4 Definitions

Part 1 – Preliminary

1.1 Citation

This Notice may be cited as the General Class 3 Concrete Pipe Carrier Notice 2005.

1.2 Commencement

This Notice takes effect on 1 July 2005.

1.3 Interpretations

1.3.1 Unless stated otherwise, words and expressions used in this Notice that are defined in Part 5 of this Notice or the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996 have the same meanings as those set out in that Part or that Dictionary.

1.3.2 Except where a contrary intention is indicated, the index, diagrams and notes in the text of this Notice do not form part of this Notice.

1.4 Effect

This Notice remains in force until 1 November 2005, unless it is amended or repealed earlier.

1.5 Application

1.5.1 This Notice applies provided that the motor vehicles, of the kind described in clause 1.5.2 are operated in accordance with the operation and travel requirements in Part 2 to this Notice.

1.5.2 This Notice applies to a Class 3 vehicle used to carry concrete pipes loaded transversely which does not, apart from its load of concrete pipes, exceed 2.5 metres in width.

Note: The concessional arrangements allowed by this Notice do not apply to B-doubles or road trains

Part 2 – Operating and travel requirements

2.1 Operating requirements

2.1.1 A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment whenever the vehicle is operating as a Class 3 vehicle carrying concrete pipes and must be produced to a police officer or an authorised officer when requested.

2.2 Travel requirements

2.2.1 A Class 3 vehicle carrying concrete pipes wider than 2.5 m must comply with the provisions of Part 4 – Requirements for Class 1 Vehicles (Other than Agricultural Machines or Agricultural Implements) of the General Class 1 Oversize Notice 2002.

2.2.2 For the purposes of this Notice, the following roads in Emu Plains are deemed to be included in the Sydney Metropolitan Travel Zone for Overdimension Notices in Part 6 of the General Overdimension Notice 1997:

M4 Motorway, Russell Street, Old Bathurst Road, Great Western Highway.

Part 3 – Dimension limits

3.1 The width of any load of concrete pipes carried on a Class 3 vehicle operating under this Notice must not exceed 2.65 metres.

3.2 A Class 3 vehicle and its load must comply with all other dimension limits provided in the Regulations, including those relating to overhangs.

Part 4 – Definitions

“authorised officer” means a person employed by the RTA as an enforcement officer.

“Class 3 vehicle” means a restricted access vehicle other than a Class 1 vehicle or a Class 2 vehicle.

“information sheet” means advice published or adopted by the Authority (and available on request from the Authority).

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Russell
Vale in the Wollongong City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL that piece or parcel of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden, shown as Lot 5 Deposited Plan 1073151, being part of the land in Certificate of Title 3/624800.

The land is said to be in the possession of Richard Geoffrey Ward (registered proprietor), Westpac Banking Corporation (mortgagee) and Mark Waller and Vicky Waller (tenants).

(RTA Papers: FPP 5M164)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Forrester's
Beach in the Gosford 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 Gosford City Council area, Parish of Kincumber and County of Northumberland, shown as Lots 13 and 14 Deposited Plan 1059202.

(RTA Papers: 184.1315)

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231 (2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr TERRY LAWLER as Administrator to the Koombahtoo Local Aboriginal Land Council for a maximum period of twelve (12) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52 (1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$90,000.00 dollars.

Signed and Sealed this 15th day of June 2005.

ANDREW REFSHAUGE MP,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

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 recognised traineeship vocation of Laboratory Operations.

Citation

The order is cited as the Laboratory Operations Order.

Order

A summary of the Order is given below.

(a) Term of Training

(i) Full-time

Training shall be given for a nominal period of:

| <i>Qualification</i> | <i>Nominal Term</i> |
|----------------------|---------------------|
| Certificate II | 12 months |
| Certificate III | 24 months |
| Certificate IV | 36 months |

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) Part-time

The nominal term for a part-time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

| Full-time Traineeship Term | 6 mths | 12 mths | 18 mths | 24 mths | 30 mths | 36 mths | 48 mths |
|----------------------------|--------------------------------|---------|---------|---------------|---------------|---------------|---------------|
| Weekly Hours | Nominal Term Required (Months) | | | | | | |
| 15 | 15 | 30 | 45 | Not Allowable | | | |
| 16 | 15 | 29 | 44 | Not Allowable | | | |
| 17 | 14 | 28 | 42 | Not Allowable | | | |
| 18 | 14 | 27 | 41 | Not Allowable | | | |
| 19 | 13 | 26 | 39 | Not Allowable | | | |
| 20 | 13 | 25 | 38 | Not Allowable | | | |
| 21 | 12 | 24 | 36 | 48 | Not Allowable | | |
| 22 | 12 | 23 | 35 | 46 | Not Allowable | | |
| 23 | 11 | 22 | 33 | 44 | 55 | Not Allowable | |
| 24 | 11 | 21 | 32 | 42 | 53 | Not Allowable | |
| 25 | 10 | 20 | 30 | 40 | 50 | 60 | Not Allowable |
| 26 | 10 | 19 | 29 | 38 | 48 | 57 | Not Allowable |
| 27 | 9 | 18 | 27 | 36 | 45 | 54 | 72 |
| 28 | 9 | 17 | 26 | 34 | 43 | 51 | 68 |
| 29 | 8 | 16 | 24 | 32 | 40 | 48 | 64 |
| 30 | 8 | 15 | 23 | 30 | 38 | 45 | 60 |
| 31 | Not Allowable | | 22 | 28 | 35 | 42 | 56 |
| 32 | Not Allowable | | 20 | 26 | 33 | 39 | 52 |

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the units of competence specified in the Laboratory Operations Industry Training Package PML04.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II in Sampling and Measurement (PML20104)
- Certificate III in Laboratory Skills (PML30104)
- Certificate IV in Laboratory Techniques (PML40104)

Availability to Purchase/Inspect

A copy of the Vocational Training Order may be obtained from any State Training Centre of the Department of Education and Training or on the internet at: <http://apprenticeship.det.nsw.edu>

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, AC, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224 (1) and 224 (2) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional complex within the meaning of the Crimes (Administration of Sentences) Act 1999, and I further declare that the correctional complex shall be known as Kirkconnell Correctional Complex, viz.:

All that piece or parcel of land situate in the local government area of Evans, Parishes of Castleton and Eusdale and County of Roxburgh, being the parts of Sunny Corner State Forest No 806 shown by dark shading as Kirkconnell Correctional Complex on Plan Catalogue Number 54712 in the NSW Department of Commerce Plan Room and having a total area of 26.77 hectares or thereabouts.

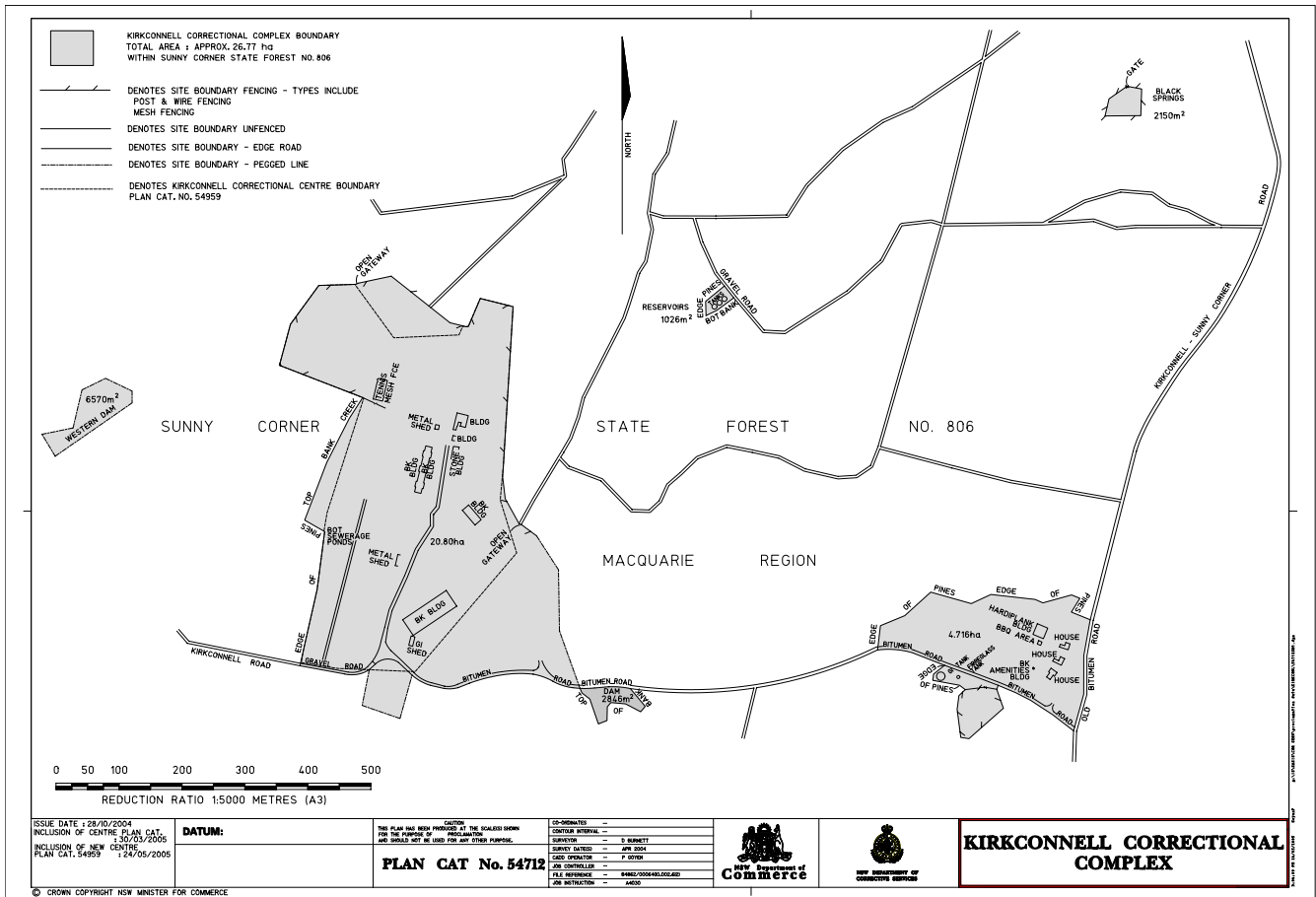
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,

JOHN HATZISTERGOS, Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, AC, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225 (1) and 225 (3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999 and I further declare that the correctional centre shall be known as Kirkconnell Correctional Centre, viz.:

All that piece or parcel of land situate in the local government area of Evans, Parishes of Castleton and Eusdale and County of Roxburgh, being the parts of Sunny Corner State Forest No 806 shown by dark shading as Kirkconnell

Correctional Centre on Plan Catalogue Number 54959 in the NSW Department of Commerce Plan Room and having an area of 15.52 hectares or thereabouts.

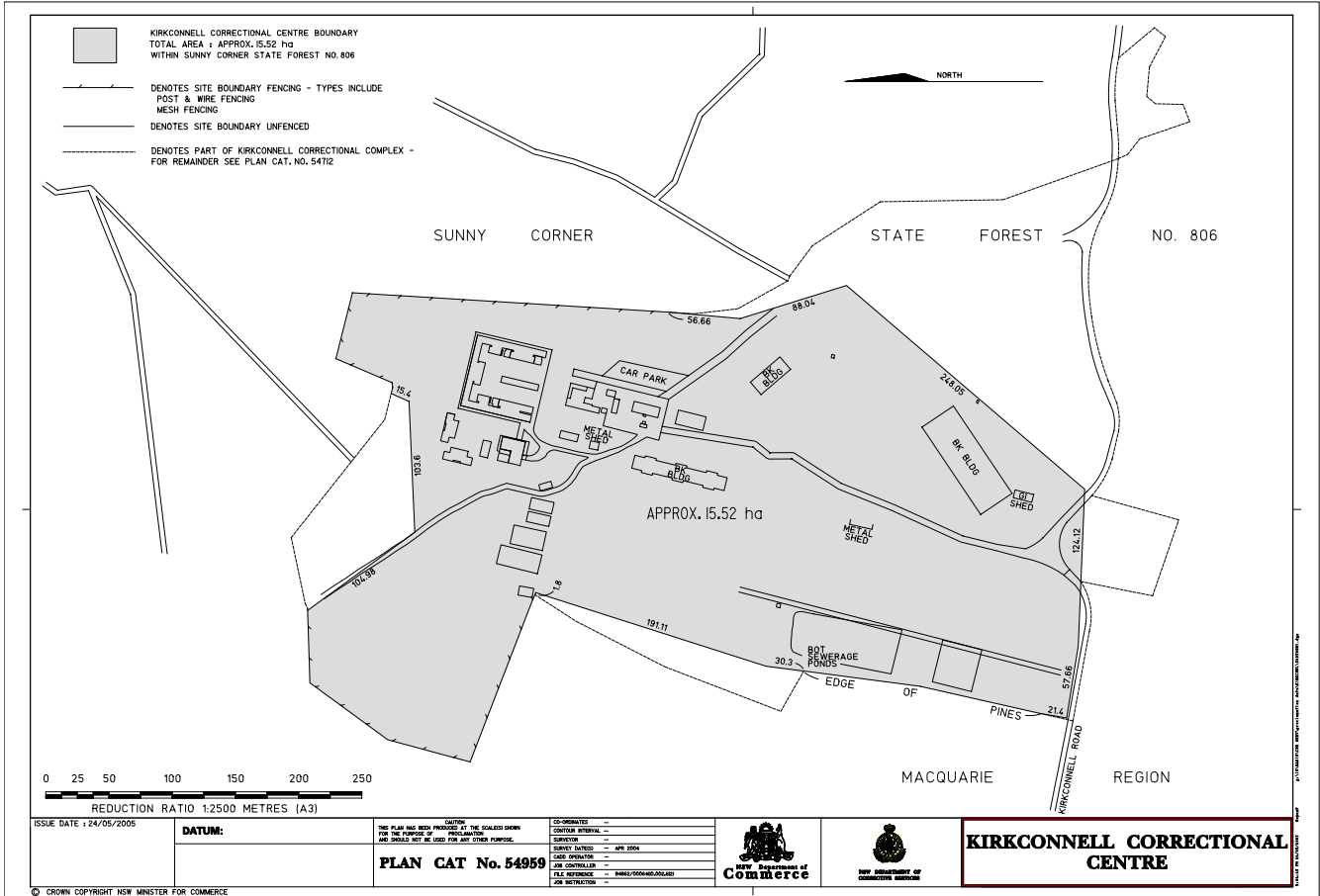
This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,

JOHN HATZISTERGOS,
Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, AC, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225 (4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamations published in the Government Gazette of 19 October 2001, which declared Kirkconnell Correctional Centre to be a correctional centre, to the extent that the Proclamation concerned Kirkconnell Correctional Centre; and 28 November 1958, which declared Kirkconnell Afforestation Camp to be a prison.

This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command,

JOHN HATZISTERGOS,
Minister for Justice

GOD SAVE THE QUEEN!

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:

Bourke – 10.00am 28 November 2005 (1 week)
22 May 2006 (1 week) in lieu of
22 May 2006 (2 weeks)

Dated this 20th day of June 2005.

R. O. BLANCH,
Chief Judge

FORESTRY ACT 1916**PROCLAMATION**

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

SCHEDULE

Eastern Division

*Land District – Blayney; Shire Council Area – Cowra;
Region – Macquarie Forestry*

Roseberg State Forest No. 694, No. 3 Extension. An area of about 16.19 hectares in the Parish of Purfleet, County of Bathurst, being the land within Portion 10 delineated on plan catalogued 970–1564 in the Department of Lands, Sydney (04/0312).

Signed and sealed at Sydney, this 8th day of June 2005.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT 1993

Hastings District Water Supply Augmentation Stage 2F

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Hastings District Water Supply Augmentation Stage 2F Scheme are vested in Hastings Council.

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

SCHEDULE

Works of water supply for Hastings Council comprising power supply and telephone lines to Cowarra Dam, permanent office and residence, 750 DICL trunk main to Cowarra Dam, Cowarra Outlet Works and foundation stripping and preparation, grouting of Cowarra Dam and all works incidental thereto. DoC Ref. W732

LOCAL GOVERNMENT ACT 1993

Hastings District Water Supply Augmentation Stage 2E

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Hastings District Water Supply Augmentation Stage 2E Scheme are vested in Hastings Council.

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

SCHEDULE

Works of water supply for Hastings Council comprising southern access road to Cawarra Dam, Rosewood No. 3 Reservoir, new switchboards for Koree 2 Pumping Station, chlorine dosing plants at Rosewood and at Port Macquarie Dam and all works incidental thereto. DoC Ref. W712

LOCAL GOVERNMENT ACT 1993

Byron Bay Sewerage Augmentation Stage 2

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Byron Bay Sewerage Augmentation Stage 2 Scheme are vested in Byron Shire Council.

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

SCHEDULE

Works of sewerage for Byron Shire Council comprising Broken Head sewerage reticulation and pumping station, South Byron Sewerage Treatment Plant UV disinfection system and balance tank, Shire testing laboratory, sewerage rising main Bangalow Road, South Byron Bay, Shire telemetry system, interim works at West Byron Sewerage Treatment Plant including upgrading of inlet system to constructed wetland, mobile sludge de-watering system, interim works at South Byron Sewerage Treatment Plant including effluent re-use pumping station and pipeline extension for Byron Bay Golf Course and all works incidental thereto. DoC Ref. S950

LOCAL GOVERNMENT ACT 1993

Tamworth Sewerage Stage 2B

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Tamworth Sewerage Stage 2B Scheme are vested in Tamworth Regional Council.

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

SCHEDULE

Works of sewerage for the city of Tamworth comprising completion of the Swan Street to Westdale carrier main and pumping station, ground water monitoring, power upgrading, Westdale telemetry, emergency storage, bank protection for Peel River and branch and all works incidental thereto. DoC Ref. S879

LOCAL GOVERNMENT ACT 1993

Barooga Water Supply

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Barooga Water Supply Scheme are vested in Berrigan Shire Council.

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

SCHEDULE

Works of water supply for the town of Barooga comprising Barooga Water Treatment Plant and associated works, clear water reservoir, raw water pumping station and intake structure, potable water reticulation, re-coat existing reservoir and construct new roof, modification to non-potable water intake, structure and all works incidental thereto. DoC Ref. W494

LOCAL GOVERNMENT ACT 1993

Tooleybuc Water Supply

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Tooleybuc Water Supply Scheme are vested in Wakool Shire Council.

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

SCHEDULE

Works of water supply for the town of Tooleybuc comprising membrane water treatment plant, potable water reservoir, raw water reservoir, potable reticulation, raw water pumping station for the potable system, raw water pumping station for the raw water system, water meters and all works incidental thereto. DoC Ref. W407

LOCAL GOVERNMENT ACT 1993

Moulamein Water Supply

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Moulamein Water Supply Scheme are vested in Wakool Shire Council.

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

SCHEDULE

Works of water supply for the town of Moulamein comprising water treatment plant, potable reticulation, raw water pumping station for potable system, conversion of raw water reservoir to potable reservoir including repainting, water meters and all works incidental thereto. DoC Ref. W483

LOCAL GOVERNMENT ACT 1993

Kempsey District Water Supply Emergency Works

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Kempsey District Water Supply Emergency Works Scheme are vested in Kempsey Shire Council.

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

SCHEDULE

Works of water supply for the Shire of Kempsey and all works incidental thereto. DoC Ref. W667

LOCAL GOVERNMENT ACT 1993

Albury Sewerage

THE Minister for Energy and Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Albury Sewerage Scheme are vested in Albury City Council.

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

SCHEDULE

Works of sewerage for the City of Albury and all works incidental thereto. DoC Ref. S847

MINISTRY OF TRANSPORT

Notice

Sydney Metropolitan Bus Contract Area

1. Notice is hereby given that, from the date of this notice, in respect of or in connection with the exercise of any function by the Director General of the Ministry of Transport under Division 3 of Part 3 of the Passenger Transport Act 1990, a reference to "Sydney Metropolitan Bus Contract Area" means (unless otherwise specified):

- (a) the composite geographical area comprising the County of Cumberland; and
- (b) the local government areas (LGAs) of:
 - (i) Hawkesbury LGA, and
 - (ii) Wollondilly LGA, excluding all of the area west and south of the following boundary, in a counter-clockwise direction:

Following from the junction of Lake Burragorang and the postcode boundaries of 2780 and 2570,

Then following the postcode boundaries of 2570 and 2787, as far as Sheehys Creek Road;

Then following Sheehys Creek Road as far east as Barkers Lodge Road;

Then following Barkers Lodge Road as far south to Montpelier Drive;

Then following Montpelier Drive north as far as Evelyns Range Road;

Then following Evelyns Range Road east as far as Spring Creek Road;
 Then following Spring Creek Road north as far as Mount Hercules Road;
 Then following Mount Hercules Road south-east as far as Donalds Range Road;
 Then following Donalds Range Road south as far as Plateau Drive;
 Then following Plateau Drive east across to the corner of Quirkles Lane and Cummins Road;
 Then following Quirkles Lane east to Carrolls Road;
 Then following Carrolls Road north to Finns Road;
 Then following Finns Road north-east to Menangle Road;
 Then following Menangle Road south to the second unnamed road;
 Then following this unnamed road to its end, then cut across to the F5 South-Western Freeway;
 Then following the F5 South-Western Freeway south to Douglas Park Drive;
 Then following Douglas Park Drive south-east to Wilton Road;
 Then following Wilton Road east to Appin Road;
 Then following Appin Road east to the Georges River as far as its boundary with the Campbelltown LGA.

2. For the avoidance of doubt, this Notice does not constitute an order for the declaration of a bus service contract region under section 28EA (1) of the Passenger Transport Act 1990.

Dated: 24 June 2005.

JOHN LEE,
 Director-General

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Mulgoa Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Penrith; LGA – Penrith

County Cumberland Parish Mulgoa, 75.47 hectares, being lot 50 DP 1037085; NPWS F/2843.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Budelah Nature Reserve, under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Moree; Council – Moree Plains

County Benarba, Parishes of Boroo and Werrina, 4045 hectares, being lots 3, 5, 6, 9 and 13, DP 750432 and lots 11 and 20, DP 750510; exclusive of Public Roads within lots 3, 6 and 13 aforesaid: NPWS A/6724 and 01/00429.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Cudgen Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Murwillumbah; LGA – Tweed

County Rous Parish Cudgen, about 54 hectares, being lot 285 DP 755701; inclusive of Crown Public Roads: NPWS A/6722.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Dananbilla Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Young; LGA – Young

County Monteagle Parish Dananbilla, 84.92 hectares, being lot 1 DP 1056805; exclusive of Crown Public Road: NPWS 02/07308.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below and assigned to that land the name Gungewalla Nature Reserve, under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Boorowa; LGA – Boorowa

County Monteagle, Parish Gungewalla, 142.4 hectares, being lot 39 DP 754591; NPWS A/6913

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below and assign to that land the name Illunie Nature Reserve, under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Young; LGA – Young

County Monteagle, Parish Illunie, 70.42 hectares, being lots 32 and 167 DP 754593; NPWS 01/00428

County Monteagle, Parish Illunie, 650.76 hectares, being lot 2 DP 1053075; exclusive of Crown Public Roads: NPWS 02/07309

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Kalyarr National Park under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Hay; LGA – Hay

County Waradgery, Parishes Cluny, Darcoola and Waymea, about 8173 hectares, being lots 13 and 14 DP 756743, lots 2, 5, 6, 7, 8, 9, 10, 14, 28, 29 and 30 DP 756746, lots 6 and 29 DP 756804, Crown Public road separating lot 8 from lot 30 DP756746 and Crown Public road separating lots 6 and 29 DP756804 from lots 14 and 2 DP756746; inclusive of Crown Public roads within lot 29 DP756804 and lot 6 DP756804; exclusive of Council Public roads within lots 28 and 30 DP756746; NPWS/03/01614.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Koorawatha Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of November 2004.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Cowra; LGA – Cowra

County Forbes Parish Bang Bang, 46.70 hectares, being lot 2 DP 1062858; NPWS 03/05927.

**PARENTS AND CITIZENS' ASSOCIATIONS
INCORPORATION ACT, 1976**

Incorporation of Parents and Citizens' Associations

THE following associations are hereby incorporated under the Parents and Citizens' Associations Incorporation Act, 1976.

1. Barooga Public School
2. Bulahdelah Central School
3. Candelo Public School
4. Carrathool Public School
5. Coolongolook Public School
6. Dora Creek Public School
7. Drake Public School
8. Exeter Public School
9. Frank Partridge VC School
10. Glenmore Park High School
11. Killara Public School
12. Russell Vale Public School
13. Sanctuary Point Public School
14. Smithfield Public School
15. St Marys Public School
16. Tregear Public School
17. Yoogali Public School
18. Wilkins Public School
19. Wingham Public School

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

PASSENGER TRANSPORT ACT 1990

Notification in Respect of Taxi-cab Fares and Charges

IT is hereby notified, in pursuance of section 60A of the Passenger Transport Act 1990, and notwithstanding any previous notification thereunder, or any provision in any licence issued for a taxi-cab, that the maximum fares and other charges payable by hirers in respect of the provision of taxi-cab services in New South Wales shall, except in respect of taxi-cabs licensed to operate in the areas specified in Schedule 3 hereunder, on and from the 10th July, 2005, be as follows:

SCHEDULE 1

Urban Areas

Applies to Taxi-cabs Licensed to Operate in
the following areas

Metropolitan transport district, Newcastle transport district, Wollongong transport district, Blue Mountains local government area, Gosford local government area, Wyong local government area, Shellharbour local government area, Cams Wharf, Fern Bay, Minmi, Toronto, Williamtown, Medowie, Campvale, Ferodale, Raymond Terrace, Fassifern, Hexham, Maitland, Beresfield, Fullerton Cove, Tomago, Camden, Picton, Thirlmere, Tahmoor and Bargo.

| | |
|-----------------------|--|
| Flag Fall: | \$2.80 |
| Distance Rate: | \$1.62 a kilometre |
| Night-time Surcharge: | A surcharge of 20% of the Distance Rate in respect of a journey commencing between 10 p.m. and 6 a.m. daily. |
| Booking Fee: | \$1.40 |
| Waiting Time: | \$40.91 an hour (68.18c a minute) while vehicle speed is less than 25.25 km/h |

Luggage Rates: No charge up to 25kg, then 10c for each subsequent 25 kg or part thereof. Maximum payable 55c.

Tolls: All road, bridge, ferry, tunnel and airport tolls that apply to the journey, and the return toll for a northbound journey over the Sydney Harbour Bridge or through the Sydney Harbour Tunnel.

Maxi-cabs: Except in the case of a multiple hiring, where 75% of the authorised fare applies, all the above maximum fares and charges apply only in the case of a maxi-cab hired from a taxi zone or hailed on the street to carry up to 5 passengers. For any other hiring (except a multiple hiring) up to 150% of the above maximum fares and charges may be charged.

SCHEDULE 2

Country Areas

Applies to Taxi-cabs Licensed to Operate in
the following areas

All areas of New South Wales except those specified in
Schedule 1 and Schedule 3

| | |
|-----------------------|---|
| Flag Fall: | \$3.30 |
| Distance Rate: | Tariff 1 – \$1.69 a kilometre for the first 12 km Tariff 2 – \$2.36 a kilometre in excess of 12 km |
| Night-time Surcharge: | A surcharge of 20% of the Distance Rate in respect of a journey commencing between 10 p.m. and 6 a.m. daily. |
| Holiday Surcharge: | A surcharge of 20% of the Distance Rate in respect of any journey commencing between 6 a.m. and 10 p.m. on a Sunday, or a public holiday notified in the NSW Government Gazette. |
| Booking Fee: | \$0.90 |
| Waiting Time: | \$40.91 an hour (68.18c a minute) while vehicle speed is less than 24.21 km/h |
| Luggage Rates: | No charge up to 25kg, then 10c for each subsequent 25kg or part thereof. Maximum payable 55c. |
| Tolls: | All road, bridge, ferry, tunnel and airport tolls that apply to the journey, and the return toll for a northbound journey over the Sydney Harbour Bridge or through the Sydney Harbour Tunnel. |
| Maxi-cabs: | Except in the case of a multiple hiring, where 75% of the authorised fare applies, all the above maximum fares and charges apply only in the case of a maxi-cab hired from a taxi zone or hailed on the street to carry up to 5 passengers. For any other hiring (except a multiple hiring) up to 150% of the above maximum fares and charges may be charged. |

SCHEDULE 3

Exempted Areas

Moama, Barham, Tocumwal, Mulwala, Barooga and Deniliquin.

JOHN LEE,
Director General
Ministry of Transport

SUBORDINATE LEGISLATION ACT 1989

Criminal Procedure Regulation 2005

Review under the Subordinate Legislation Act 1989

NOTICE is given in accordance with section 5 (2) (a) of the Subordinate Legislation Act 1989 of the intention to remake a principal statutory regulation under the Criminal Procedure Act 1986.

The new Regulation will continue to deal with the following matters currently contained in the Criminal Procedure Regulation 2000:

- (a) prescribing offences for which the District Court does not have jurisdiction,
- (b) prescribing procedural matters relating to the listing of criminal proceedings for hearing,
- (c) prescribing procedural matters relating to the summary disposal of indictable offences,
- (d) requiring notice of an accused person's intention to adduce evidence of substantial impairment at his or her trial to be given to the DPP at least 35 days before the date on which the trial is listed to commence,
- (e) declaring a circle sentencing program to be an intervention program for the purposes of Part 4 of Chapter 7 of the Criminal Procedure Act 1986,
- (f) other procedural matters.

The new Regulation will also deal with the following matters currently found in the Supreme Court Regulation 2000, the District Court Regulation 2000 and the Local Court (Transitional Fees) Regulation 2003:

- (g) prescribing the fees payable in relation to criminal proceedings in the Supreme Court, in the District Court, in the Local Courts, and by the Sheriff.

The new Regulation will also deal with the following new matter:

- (h) declaring a community conference program to be an intervention plan for the purposes of Part 4 of Chapter 7 of the Criminal Procedure Act 1986,

A copy of the Regulation and the Regulatory Impact Statement can be obtained by telephoning Ms Sophia Beckett on (02) 9228 7263 or by emailing sophia_beckett@agd.nsw.gov.au, or from the Attorney General's Department's website at www.lawlink.nsw.gov.au/lpd under "Regulatory Impact Statements". Alternatively, a copy of the Regulation and the Regulatory Impact Statement may be inspected at the Criminal Law Review Division, Level 20, Goodsell Building, 8-12 Chifley Square, Sydney.

Comments and submissions on the draft Regulation and the Regulatory Impact Statement should be directed to the above address and be received by 20 July 2005.

SUBORDINATE LEGISLATION ACT 1989

Proposed Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Call for Submissions

ON 1 September 2005 the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 and the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995 are due for repeal under the Subordinate Legislation Act 1989. It is proposed that those Regulations be replaced with a single consolidated Regulation.

A draft Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is now being exhibited for public comment.

The proposed Regulation would, if made, set standards and requirements for the design and construction of caravan parks, camping grounds and manufactured home estates, and for the design and installation of moveable dwellings and associated structures.

For a copy of the draft Regulation and associated Regulatory Impact Statement:

- visit www.dipnr.nsw.gov.au/whatsnew.html
- email caravan@dipnr.nsw.gov.au
- phone the Department of Infrastructure, Planning and Natural Resources Information Centre 1300 305 695.

Please email your submissions to caravan@dipnr.nsw.gov.au or post to the Planning Reform Unit, Department of Infrastructure, Planning and Natural Resources, GPO Box 39 Sydney 2001. The closing date is Monday 18 July 2005.

SUBORDINATE LEGISLATION ACT 1989

Motor Accidents Compensation Regulation 2005 and Regulatory Impact Statement

INTERESTED individuals and organisations are invited to comment on the proposed Motor Accidents Compensation Regulation 2005 (the proposed Regulation) and Regulatory Impact Statement (RIS).

The current Motor Accidents Compensation Regulation (No. 2) 1999:

- Fixes the maximum amounts payable by insurers for certain treatment provided to an injured person in connection with a claim under the Motor Accidents Compensation Act 1999 (the Act).
- Fixes maximum costs for legal services provided in connection with a claim under the Act.
- Fixes the maximum costs for the provision by medical practitioners of medico-legal services in connection with a claim under the Act.
- Limits the costs payable by a claimant in respect of expert witnesses.
- Provides for the assessment of costs by a claims assessor.
- Prescribes the classes of motor vehicles that are taken to be subject to unregistered vehicle permits under the Act.

- Prescribes an authority for access to protected information.

By operation of the Subordinate Legislation Act 1989, the existing Regulation is due for automatic repeal on 1 September 2005 unless re-made or extended. The Subordinate Legislation Act 1989 requires that any regulation which is to be re-introduced must be reviewed to ensure that it reflects current policy and community needs.

The intention is to re-make the existing Regulation with minor changes only. These include:

- increases to fixed maximum fees to allow for inflation where appropriate;
- removal of redundant provisions to improve operation and clarity;
- removal of the tiered maximum legal costs structure in connection with medical disputes to be replaced with a single maximum cost per dispute.

Copies of the public consultation draft of the proposed Motor Accidents Compensation Regulation 2005 and the RIS are available on the Motor Accidents Authority's website: www.maa.nsw.gov.au.

Written comments on the proposed Regulation and RIS can be emailed to Regulation@maa.nsw.gov.au or mailed to:

Motor Accidents Compensation Regulation
Policy and Legislation
Motor Accidents Authority
Level 22, 580 George Street
Sydney 2000

The closing date for submissions is 25 July 2005

For further information regarding the proposed Regulation and RIS, contact Ms Jodie Young on (02) 8267 1934.

SUBORDINATE LEGISLATION ACT 1989

NOTICE is given, in accordance with section 5 (2) of the above Act of the intention to make the following principal statutory rules.

Parramatta Stadium Trust Act 1988

The Parramatta Stadium Trust By-law 2005 will replace the Parramatta Stadium Trust By-law 2000, which is due to sunset on 31 August 2005. The Regulation regulates the entry of persons onto Trust Land and conditions for remaining thereon.

Mount Panorama Motor Racing Act 1989

The Mount Panorama Motor Racing Regulation 2005 will replace the Mount Panorama Motor Racing Regulation 2000, which is due to sunset on 31 August 2005. The Regulation makes provision with respect to the Mount Panorama Advisory Committee, regulates conduct within and admission to the Mount Panorama Circuit in connection with race meetings.

Boxing and Wrestling Control Act 1986

The Boxing and Wrestling Control Regulation 2005 will replace the Boxing and Wrestling Control Regulation 2000, which is due to sunset on 31 August 2005. The Regulation deals with matters relating to the registration of boxers and industry participants, forms for registration and registration fees, appeals on registration to the Boxing Appeals Tribunal, medical books and matters relating to boxing contests.

Motor Vehicle Sports (Public Safety) Act 1985

The Motor Vehicle Sports (Public Safety) Regulation 2005 will replace the Motor Vehicle (Public Safety) Regulation 1999, which is due to sunset on 31 August 2005. The Regulation deals with matters relating to the issuing of licenses and motor vehicle racing grounds, the composition and functions of the advisory committee and the contravention of licences.

Copies of the Regulatory Impact Statements and/or drafts of the proposed By-law/Regulations may be inspected or obtained by contacting Mr P Brady, Department of Tourism, Sport and Recreation, 6 Figtree Drive, Sydney Olympic Park, NSW 2127, telephone (02) 9006 3700.

Comments or submissions on the proposed statutory rules are invited and should be received at the above address no later than 22 July 2005.

ROBERT L. ADBY,
Director-General

TRANSPORT ADMINISTRATION ACT 1988 NO 109

The Minister for Transport has approved of the closure of the following private level crossings under section 99B of the Transport Administration Act 1998 No. 109:

Private Level Crossings near Kerrabee on the
Sandy Hollow to Ulan Rail Line at rail kilometres
350.393 and 350.836.

All rights, easements and privileges in relation to these private level crossings are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following private level crossing under section 99B of the Transport Administration Act 1998 No. 109:

Private Level Crossings at Nundah near Camberwell on
the Main Northern Railway at rail kilometres 249.468

All rights, easements and privileges in relation to this private level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following private level crossing under section 99B of the Transport Administration Act 1998 No. 109:

Private Accommodation Level Crossing at Wards River on
the North Coast Rail Line at rail kilometres 285.075

All rights, easements and privileges in relation to this private level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following private level crossings under section 99B of the Transport Administration Act 1998 No. 109:

Private Accommodation Level Crossings near
Whittingham on the Main Northern Railway at rail
kilometres 235.568 and 236.815

All rights, easements and privileges in relation to these private level crossings are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

WATER MANAGEMENT ACT 2000

Schedule of Water and Sewerage Charges

Effective from 1 July 2005

IN accordance with section 310 of the Water Management Act 2000 and Regulations, Country Energy determines the maximum scale of charges to apply for the 12 months commencing on 1 July 2005, as follows:

SCHEDULE 1

Water Supply Charges

BROKEN HILL, MENINDEE, SUNSET STRIP,

SILVERTON

RESIDENTIAL

Access Charge

| <i>Nominal Size of Water Service</i> | <i>Annual Access Charge (\$)</i> |
|--|--------------------------------------|
| 20mm | 185 |
| 25mm | 310 |
| 32mm | 509 |
| 40mm | 794 |
| 50mm | 1,240 |
| 80mm | 3,176 |
| 100mm | 4,963 |
| 150mm | 11,116 |

Vacant Land

All properties to be levied \$185 per property per annum

Usage Charge

Charge cents / kL

| | |
|--|----------|
| Treated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 71 c/kL |
| Over 100 kilolitres | 220 c/kL |
| Untreated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 47 c/kL |
| Over 100 kilolitres | 197 c/kL |
| Chlorinated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 59 c/kL |
| Over 100 kilolitres | 208 c/kL |

PIPELINE CUSTOMERS

Access Charge

| <i>Nominal Size of Water Service</i> | <i>Annual Access Charge (\$)</i> |
|--|--------------------------------------|
| 20mm | 185 |
| 25mm | 310 |
| 32mm | 509 |
| 40mm | 794 |

Usage Charge

Charge cents / kL

| | |
|--|----------|
| Untreated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 47 c/kL |
| Over 100 kilolitres | 104 c/kL |

BROKEN HILL, MENINDEE, SUNSET STRIP,

SILVERTON

NON RESIDENTIAL

Access Charge

| <i>Nominal Size of Water Service</i> | <i>Annual Access Charge (\$)</i> |
|--|--------------------------------------|
| 20mm | 185 |
| 25mm | 310 |
| 32mm | 509 |
| 40mm | 794 |
| 50mm | 1,240 |
| 80mm | 3,176 |
| 100mm | 4,963 |
| 150mm | 11,116 |

Vacant Land

All properties to be levied \$185 per property per annum

Usage Charge

Charge cents / kL

| | |
|--|----------|
| Treated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 71 c/kL |
| Over 100 kilolitres | 220 c/kL |
| Untreated Water Usage Charge per Quarter | |
| Any measured amount | 104 c/kL |
| Chlorinated Water Usage Charge per Quarter | |
| 0-100 kilolitres | 59 c/kL |
| Over 100 kilolitres | 208 c/kL |
| Effluent Water Usage Charge per Quarter | |
| Any measured amount | 32 c/kL |

PROPERTIES EXEMPT FROM ACCESS CHARGES

Any treated water supplied by measure shall be 143 cents per kilolitre

PERILYA LTD

Water Access Charge

Annual water supply access charge of \$1.083 million

Water Usage Charge

Water usage charge of \$1.758 for all filtered water usage with minimum payment of \$1.300 million

SCHEDULE 2

Sewerage and Trade Waste Charges

*SEWERAGE SERVICE CHARGES**CITY OF BROKEN HILL*

Residential Land: The service charge shall be a fixed charge of \$268 per customer service connection per year. In respect of any chargeable land used as the site of a block of company or community title units or flats each unit/flat will be billed the minimum charge. In respect of strata titled units each will be billed the minimum charge. In respect of any strata lot designed and intended for occupation or used for the purpose of accommodating one or more motor vehicles, there shall be no minimum amount for service charges.

Non Residential Land:

| <i>Nominal Size of Service</i> | <i>Sewer Access Charge</i> | <i>Annual Access Charge (\$)</i> |
|--------------------------------|----------------------------|----------------------------------|
| 20mm | | 537 |
| 25mm | | 838 |
| 32mm | | 1,373 |
| 40mm | | 2,146 |
| 50mm | | 3,353 |
| 80mm | | 8,584 |
| 100mm | | 13,413 |
| 150mm | | 30,178 |

Sewer Usage Charge

All kilolitres 86 c/kL

Sewer Discharge Factor

An appropriate sewer discharge factor is applied to the final sewerage calculation for non-residential customers.

Vacant Land: The availability charge shall be a fixed charge of \$268 per property per annum.

TRADE WASTE CHARGES FOR NON-RESIDENTIAL CUSTOMERS

Application and inspection fee shall be \$139.

The annual trade waste fees shall be (GST excluded):

- Category 1 \$139 (Dischargers – requiring nil or minimal pre-treatment)
- Category 2 \$440 (Dischargers – requiring prescribed pre-treatment)
- Category 3 Set on a case by case basis depending on the complexity of monitoring required (Discharges – large or industrial waste or discharging greater than 20kL/d)

Trade Waste Usage Charge shall be \$1.20/kL (applicable to Category 2)

Excess Mass Charges shall be set on a case by case basis (applicable to Category 3 discharges)

SEWERAGE AND TRADE WASTE CHARGES FOR PERILYA LTD

Residential: The sewerage service charge for mining company houses shall be \$268 per occupied house.

Non-residential: The sewerage access charge shall be \$13,413 on the basis of the 100mm water supply service connection. The sewer usage charge shall be \$0.86/kl of non-residential discharge to the sewerage system.

Trade waste: Annual trade waste fee shall be \$1,135 for each operating mine

Applicable trade waste usage charge or excess mass charge as per Liquid Trade Waste management Guidelines, March 2005

SEWERAGE CHARGES IN RESPECT OF LANDS EXEMPT UNDER SCHEDULE 4

- (a) The charge for sewerage services rendered, unless otherwise provided by separate assessment by Country Energy of the cost of providing the service, in respect of –
- (i) Land owned by the Crown, being:
1. State school land, and
 2. Land used or occupied as a playground in connection with such school, or as the residence

of a caretaker, servant or teacher of any such school;

- (ii) Land which belongs to and which is occupied and used in connection with any school registered under the Bursary Endowment Act 1912, or any certified school under the Public Instruction (Amendment) Act 1916, including any playground which belongs to and is used in connection with any such school, and any building occupied as a residence by any caretaker, servant or teacher of any such school which belongs to and is used in connection with the school;

- (iii) Land which belongs to a religious body and which is occupied and used in connection with any church or other building used or occupied for public worship;

shall be charged for the usage component only of the non residential land sewer charges.

- (b) The charge for sewerage services rendered in respect of –

- (i) Land, other than land referred to in paragraph (i) of clause (a) above, owned by the Crown, which is exempt under Schedule 4 of the Act;

- (ii) Land, other than land referred to in paragraph (iii) of clause (a) above, belonging to a religious body, which is exempt under Schedule 4 of the Act;

shall be charged for the usage component only of the non residential land sewer charges.

CONTAMINATED LAND MANAGEMENT ACT 1997

I, LISA CORBYN, Director General of the Department of Environment and Conservation, on behalf of the Department publish the document “Guidelines for Assessing Former Orchards and Market Gardens” in accordance with section 105 of the Contaminated Land Management Act 1997.

Date: 24 June 2005.

LISA CORBYN,
Director General

CONTAMINATED SITES

Guidelines for
Assessing Former
Orchards and Market Gardens



Department of
Environment and
Conservation (NSW)

CONTAMINATED SITES

Guidelines for Assessing Former Orchards and Market Gardens

Acknowledgements

The Department of Environment and Conservation (NSW) acknowledges comments on the Draft guidelines provided by the following organisations:

- Australian Contaminated Land Consultants Association Inc (NSW)
- Coffey Geosciences Pty Ltd
- The Council of Camden
- Department of Infrastructure, Planning and Natural Resources
- Dubbo City Council
- Environmental and Earth Sciences Pty Ltd
- Gosford City Council
- Peter J Ramsay and Associates Pty Ltd

Published by:

Department of Environment and Conservation (NSW)
59–61 Goulburn Street, Sydney
PO Box A290, Sydney South 1232

Phone: (02) 9995 5000 (switchboard)

Phone: 131 555 (publications and information requests)

Fax: (02) 9995 5999

E-mail: info@epa.nsw.gov.au

Web: www.environment.nsw.gov.au

ISBN 1 74137 019 1

DEC 2005/195

June 2005

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For the sake of simplicity, these guidelines use the term “DEC” (Department of Environment and Conservation) to refer to both DEC and the EPA. Note, however, that it is the Environment Protection Authority, rather than DEC, which has the powers and functions under the *Contaminated Land Management Act 1997*.

PREFACE

There are many former orchard and market garden sites in New South Wales that will need to be assessed for contamination before they can be redeveloped for residential or other sensitive land uses.

The Department of Environment and Conservation (DEC) has prepared these guidelines to help protect the environment and minimise the risk to public health from the future use of these sites. The guidelines take into account comments received on the earlier discussion paper, *Assessment of orchard and market garden contamination* (EPA 1995a), and draft guidelines released in December 2003.

The guidelines are primarily for local councils, the urban development industry, environmental consultants and other groups with an interest in site redevelopment. Using a mix of technical and non-technical information, they provide basic guidance about the contamination issues to consider when deciding on the suitability of new uses for former orchard and market garden sites. They also provide specific guidance to investigators of these sites. Accredited site auditors should take the guidelines into account when carrying out site audits relating to orchard and market garden sites.

DEC welcomes written comments on and suggestions for improvements to any of its contaminated sites guidelines. These should be addressed to:

Manager Contaminated Sites
Environment Protection and Regulation Division
Department of Environment and Conservation (NSW)
PO Box A290
SYDNEY SOUTH NSW 1232
Fax: (02) 9995 5930
E-mail: contlandmgnt@epa.nsw.gov.au

Limitations

These guidelines should be used in conjunction with other relevant guidelines made or approved by DEC under the *Contaminated Land Management Act 1997* when assessing former orchards and market gardens. The References and Bibliography section lists other relevant and useful documents.

These guidelines do not include occupational health and safety procedures and the NSW WorkCover Authority should be consulted on these. Appropriate action must be taken to manage any potential hazard and adequately protect the health of any workers on, or occupiers of, the site.

These guidelines do not apply to sites other than former orchards and market gardens. Exercise professional discretion in their use.

Disclaimer

DEC has prepared this document in good faith, exercising all due care and attention, but no representation or warranty, express or implied, is made as to the relevance, completeness or fitness of it for any other purpose in respect of a particular user's circumstances. Users of this document should satisfy themselves about its application to their situation and, where necessary, seek expert advice.

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I INTRODUCTION

I.1 Background

Urban expansion is increasing pressure for the redevelopment of the state's former orchards and market gardens for residential use. Past horticultural practices on these lands may have left chemicals in the soil, such as organochlorine pesticides, arsenic, cadmium, copper, lead and zinc.

State Environmental Planning Policy No 55 – Remediation of Land, or SEPP 55 (DUAP 1998), requires planning authorities to take contamination of land into account when determining zoning proposals and development applications. *Managing land contamination: planning guidelines* (DUAP / EPA 1998) also provides guidance to planning authorities when considering contamination.

DEC reviewed orchard and market garden soil sampling results from across NSW prior to the preparation of its discussion paper, *Assessment of orchard and market garden contamination* (EPA 1995a). The review found that there was a relatively low potential for residual pesticide levels in these soils to pose a risk to human health or the environment, and that significant contamination appears to be rare. This conclusion is consistent with the findings of environmental consultants who have undertaken some similar site assessments.

Nonetheless, it is necessary to be confident that a site is or will be suitable for residential or other sensitive land use when considering it for redevelopment.

These guidelines build on the discussion paper mentioned above, and take into account comments received in response to the paper and the release of draft guidelines in December 2003.

I.2 Objective

These guidelines aim to provide relatively general advice on how to approach the assessment of orchard and market garden sites for possible contamination (sections 1 and 2). It also offers basic information about likely types of contamination, and sets out recommended site investigation, sampling and assessment methods for experienced contaminated land professionals (sections 3 to 6).

The guidelines are designed to be used by local council staff, developers, and contaminated land and environmental consultants.

Site auditors accredited under the *Contaminated Land Management Act 1997* should also consider these guidelines when conducting audits relating to former orchard and market garden sites.

These guidelines should not be used in isolation. Consultants undertaking investigations at former orchard and market garden sites are expected to have the necessary expertise and experience to be able to identify the chemicals of potential concern and understand contamination issues such as environmental fate and transport, exposure pathways, toxicity, persistence and potential bioavailability of the relevant chemicals.

Note that DEC has also published *Guidelines for assessing banana plantation sites* (EPA 1997b). You will find a full list of guidelines relevant to contaminated site investigation and remediation, made or approved by DEC under the Contaminated Land Management Act, at the DEC website: www.environment.nsw.gov.au.

2. CONTAMINATION OF ORCHARD AND MARKET GARDEN SITES

These guidelines address the sites of both former orchards and market gardens, as patterns of chemical use and application tend to be similar for each of these two land uses.

Orchards are typically blocks of a single variety of trees of between 1 and 10 hectares. Different blocks in the same orchard will usually have the same pesticide program, and the types of chemicals used and their manner of application should be relatively consistent across the cultivated areas.

Market gardens are generally located in non-urban areas and on the fringe of cities and towns. They are commonly small, ranging between 2 and 5 hectares. The Premier's taskforce on market gardening by people of non-English speaking background (2000) estimated that up to 10,000 hectares of land in the Sydney Basin are used for market gardening and growing cut flowers, contributing the majority of the state's perishable vegetables (leafy green vegetables with relatively short shelf life) and cut flowers.

2.1 Orchard and market garden activities

Orchards and market gardens generally have cultivated and non-cultivated areas.

2.1.1 Cultivated areas

For the purposes of these guidelines, a 'cultivated area' is any part of a site that has been used for horticulture. Cultivated areas usually have rows of planted crops separated at intervals by drainage lines. The crops are commonly irrigated using tractor spray systems.

The main contamination concern in cultivated areas is from the use of pesticides.

2.1.2 Non-cultivated areas

Non-cultivated areas can include small sections of a site where chemicals for use on the cultivated areas have been stored or handled. The main contamination concern is chemicals that may have leaked or been spilled in these areas. Old chemical storage drums may also have been buried on-site. These are matters that need to be considered as part of the site history review (see Section 3.1).

2.2 Potential chemical contaminants

2.2.1 Common contaminants

Pesticides are the chemicals most likely to have been used on former orchards and market gardens. The types and quantities of chemicals will vary according to the specific crops grown and production systems used.

Pesticides

Pesticides that are likely to have been applied include insecticides, fungicides, herbicides and soil fumigants.

Pesticides registered for use in orchards and market gardens in NSW include both organic and inorganic compounds. The organics include organochlorines, organophosphates, carbamates, synthetic pyrethroids, triazines, phenoxyaliphatics, sulfonyleureas and plant hormones. Inorganic compounds include arsenicals (which also often have a lead component), copper and mercury-based products.

Appendix A lists common pesticide chemicals used in the industry.

Many of the organic compounds are likely to have decomposed in the soil within a year of application. Carbamates, synthetic pyrethroids and organophosphates are not considered major soil contaminants

because they are generally not 'persistent'. Organochlorines are typically more persistent in the environment, although the use of many that were once commonly applied was restricted or prohibited in NSW in the 1980s and 1990s.

Compared with organic compounds, the inorganic components of pesticides are generally more persistent in the environment and are therefore of greater concern as a source of residual contamination.

The 1995 review of soil sampling results from orchards and market gardens in NSW suggested that pesticide use has not resulted in significant contamination and that contamination is more likely to be the result of chemical spills or leaks.

Other contaminants

Fertilisers are commonly used in horticulture, but there is little evidence that fertiliser residues are a problem on orchard and market garden sites. However, it is possible that contaminant residues, such as cadmium, will be present on some sites.

Soils surrounding galvanised sheds may have elevated levels of zinc, caused by zinc leaching from the sheds. This is likely to be a localised issue confined to surface soils.

Other possible contaminants include tractor fluids, such as diesels and lubricating oils, which are commonly associated with storage and machinery sheds.

2.2.2 Where to expect contamination

Key areas to look for potential contamination include:

- cultivated areas
- storage and machinery sheds and spray tank fill areas
- farm dams.

The greatest contamination concern comes from inadvertent pesticide spills or leaks. Pesticides that have been used according to manufacturers' directions are unlikely to result in high levels of residual soil contamination in cultivated areas, as modern agricultural chemicals are generally not persistent in the environment.

Nonetheless, assessment should consider the possibility of over-application, such as in the vicinity of tractor turning circles at the end of cultivation rows, and whether more persistent organochlorine pesticides have been used in the past.

3 ASSESSING CONTAMINATION OF FORMER ORCHARDS AND MARKET GARDENS

The following sections provide technical guidance on the recommended protocols for assessing former orchard and market garden sites. However, each site will have specific features that require appraisal by a suitably qualified and experienced consultant to identify any risks to current and future site users and the environment. Assessment should be consistent with the process recommended in the National Environment Protection (Assessment of Site Contamination) Measure 1999, or NEPM (NEPC 1999).

3.1 Preliminary site investigation

The site assessment process begins with a preliminary site investigation, which aims to determine whether any part of the site has, or is likely to have, contaminated soil. This preliminary investigation will include information on site history and condition, potential contamination and any necessary further investigation. Site assessors will also find useful guidance on conducting site history reviews in NEPM: Schedule B(2) – Guideline on Data Collection, Sample Design and Reporting (NEPC 1999).

The first step is a detailed review of the site's land-use history, which should identify whether there have been any major chemical spills or old chemical storage drums dumped or buried on the site. This may involve:

- reviewing council records of the site and adjacent areas
- reviewing aerial photographs of the area
- determining which parts of the site have been cultivated
- interviewing key people about past land uses, chemical use and storage, and where machinery and drum storage sheds have been located.

The preliminary investigation will also need to address the possibility that old farm dams on the site have been filled in with rubbish.

Depending on the outcome of the review, assessment of former orchards and market gardens should normally include the minimum soil sampling requirements outlined in Section 3.2. However, if the site history suggests other possible sources of contamination, a preliminary sampling program may be required to guide more detailed subsequent sampling.

3.2 Sampling soils

Cultivated and non-cultivated areas will require different sampling strategies, as discussed below. For more detailed information on the use of statistical sampling plans for assessing contaminated sites, refer to *Sampling design guidelines* (EPA 1995c).

The sampling plan needs to be outlined on a plan or site map identifying the cultivated and non-cultivated parts of the land, consistent with *Guidelines for consultants reporting on contaminated sites* (EPA 1997c).

3.2.1 Sampling soils in cultivated areas

The distribution of contaminants in cultivated areas will generally be uniform and confined to surface soils.

The soil sampling density established for assessing a former orchard or market garden site will need to be able to determine overall contamination levels as well as detect localised areas of elevated contamination, or 'hotspots'. *Sampling design guidelines* (EPA 1995c) provides detailed guidance for preparing a sampling strategy, including Table A, which outlines minimum sampling requirements for site characterisation, derived from the assumed hotspot size.

Sampling locations should generally be arranged in a grid pattern, although the number of samples and distance between them will differ from site to site.

Take surface samples from the top 150 mm of the soil profile immediately below any vegetative or detritus layers. If the area is covered by fill material, collect a second sample immediately below the interface of the fill and the original soil.

A higher sampling density will be necessary where localised contamination is likely to have occurred. This includes 'point sources' such as major drainage lines, the sediments in dams and ponds and areas where chemicals are known or suspected to have leaked or been spilled and where waste has been buried.

Composite sampling involves collecting a number of separate 'sub-samples', as far apart as 20 metres, and thoroughly mixing them for chemical analysis. This approach is acceptable where hotspots are not expected and the following conditions are met:

- the chemicals to be analysed are not volatile
- sub-samples are collected from the same level of soil or fill
- composite samples consist of a maximum of four equally weighted sub-samples collected from adjacent sampling points

- the soil/fill type allows thorough mixing of the sub-samples. Heavy clay would not be suitable, for example.

Each sub-sample needs to be large enough for re-analysis if the concentration of any analyte in the composite is above the adjusted investigation levels, which can be determined using Procedure 2 in Section 3.3.2 of these guidelines.

Further guidance on composite soil samples is provided in *Sampling design guidelines* (EPA 1995c) and the National Environmental Health Forum publication, *Composite sampling* (NEHF 1996).

3.2.2 Sampling soils in non-cultivated areas

Unlike cultivated areas, there is no general land-use pattern for non-cultivated areas. Investigation of these areas will usually only be necessary where they have been used to store or mix large quantities of chemicals, or where their history of use can't be determined. In these cases, develop an effective sampling program for the non-cultivated area, based on site-specific information about past activities.

Additional guidance on undertaking contaminated site investigations is available in Schedule B(2) – Guideline on Data Collection, Sample Design and Reporting of the NEPM (NEPC 1999).

3.3 Assessing contamination in soils

3.3.1 Soil investigation levels

Soil investigation levels (SILs) are commonly used to assess concentrations of contaminants in soils. SILs are the soil concentrations above which further investigations are required.

Wherever possible, use SILs based on Australian sources. These include the NEPM (NEPC 1999), particularly Schedules B(1) and B(7a and 7b) and *Guidelines for the NSW site auditor scheme* (EPA 1998 or updates). Where SILs are taken from the publications of relevant peak health forums, such as enHealth or the National Health and Medical Research Council, refer to the latest edition endorsed by DEC under the Contaminated Land Management Act. For details, see www.environment.nsw.gov.au/clm/guidelines.htm

Table I: Soil investigation levels

| Health-based investigation levels ^(a) (mg/kg) | | |
|--|---|--|
| | Column 1 | Column 2 |
| Contaminant | Residential with gardens/ accessible soil (home-grown produce contributing <10% fruit and vegetable intake; no poultry), including children's day-care centres, pre-schools and primary schools or town houses or villas | Residential with minimal access to soil, including high- rise apartments and flats |
| Aldrin and dieldrin | 10 | 40 |
| Arsenic (total) | 100 | 400 |
| Cadmium | 20 | 80 |
| Chlordane | 50 | 200 |
| Copper | 1,000 | 4,000 |
| DDT, DDD, DDE | 200 | 800 |
| Heptachlor | 10 | 40 |
| Lead | 300 | 1,200 |
| Mercury (inorganic) | 15 | 60 |
| Methyl mercury | 10 | 40 |
| Zinc | 7,000 | 28,000 |

Table I lists SILs that can be used to assess former orchard and market garden sites. To date, limited human health-based investigation levels (HILs) have been endorsed for pesticide compounds in soils. Where HILs are not available, the assessor will need to consider all aspects of the fate and transport characteristics of relevant contaminants, such as the rate of degradation of the chemicals, whether they bioaccumulate, and their toxicity, in order to determine an appropriate methodology for managing the contamination.

Use SILs in conjunction with the decision-making process for assessing urban redevelopment sites outlined in *Guidelines for the NSW site auditor scheme* (EPA 1998 or updates). Levels are based on an assessment of potential human health and toxicity to plants.

Where land may be used to grow crops again in the future, either for horticulture or residential gardens, seek advice from NSW Agriculture on any possible impacts that residual contamination may have on crops.

| | Column 3 | Column 4 | Provisional phytotoxicity-based investigation levels ^(b) for sandy loams pH 6–8 (mg/kg) |
|--|--|-----------------------|--|
| | Parks, recreational open-space playing fields, including secondary schools | Commercial/industrial | |
| | 20 | 50 | – |
| | 200 | 500 | 20 |
| | 40 | 100 | 3 |
| | 100 | 250 | – |
| | 2,000 | 5,000 | 100 |
| | 400 | 1,000 | – |
| | 20 | 50 | – |
| | 600 | 1,500 | 600 |
| | 30 | 75 | 1 ^(c) |
| | 20 | 50 | – |
| | 14,000 | 35,000 | 200 |

(a) The limitations of health-based soil investigation levels are discussed in Schedule B(1) of the *National Environment Protection (Assessment of Site Contamination) Measure* (NEPC 1999). More detail on the exposure scenarios in this table is also available in enHealth's *Exposure scenarios and exposure settings* (2001).

(b) The provisional phytotoxicity-based soil investigation levels proposed in this document are single-number criteria. Their use has significant limitations because phytotoxicity depends on soil and species parameters in ways that are not fully understood. The phytotoxicity-based investigation levels, intended for use as screening guidance, may be assumed to apply to sandy loam soil or soils of a closely similar texture, and at a pH of between 6 and 8. See *Guidelines for the NSW site auditor scheme* (EPA 1998 or updates).

(c) Total mercury

3.3.2 Evaluating the results of soil analysis

Soil analyses should be evaluated statistically with the objective of assessing:

- the average concentrations of contaminants
- whether there are any localised contaminations greater than a certain size.

Interpreting results from non-composite samples

Analyse the results of non-composite samples using Procedure 1.

Note: This procedure should only be used for health-based investigation levels (HILs) and not phytotoxicity-based investigation levels. Phytotoxicity investigation levels are single-number criteria and should be compared with the individual data point, not average concentrations.

Procedure 1: Analysing results for non-composite samples

- (a) Calculate the 95% upper confidence limit (UCL) on the arithmetic average concentration for each analyte in an area using the methodology outlined in *Sampling design guidelines* (EPA 1995c).
- (b) Check for individual sample results that are more than 250% of the relevant SIL.
 - (i) If the UCL for all analytes is less than their relevant SILs and no individual results are greater than or equal to 250% of that level, the site is suitable for residential use.
 - (ii) If the UCL for all analytes is less than their relevant SILs but at least one individual result is greater than or equal to 250% of that level, re-investigate the area with elevated concentrations to determine the extent of the exceedences. If a hotspot is confirmed, take appropriate remedial action, validate and repeat this procedure.
 - (iii) If the UCL for any analyte is greater than the relevant SIL, the site is unsuitable for residential use and appropriate remedial action is required.

Interpreting results from composite samples

The chemical analysis of a composite sample only provides the average contaminant concentration of its sub-samples. This approach can obscure a sub-sample with a high contaminant concentration, which may indicate a hotspot, by diluting it with other sub-samples.

The problem of hotspot dilution can be resolved by comparing the analytical results with a set of 'adjusted' SILs, calculated using Procedure 2.

Composite sub-samples often carry some background contaminant concentrations and the SILs can also be adjusted to take this into account. Table 2 provides typical background ranges for selected contaminants at former orchard and market garden sites in NSW. However, site investigators will need to determine site-specific background concentrations, rather than rely on these values. Where background concentrations are not available, compare the results of composite samples with adjusted SILs using Procedure 2b.

Table 2: Typical background concentrations for selected contaminants in NSW orchards and market gardens

| Contaminants | Typical background concentration (mg/kg) |
|--------------|--|
| Arsenic | 5 ^(a) |
| Cadmium | 0.02–2 ^(b) |
| Copper | 23 ^(a) |
| Lead | 26 ^(a) |
| Zinc | 63 ^(a) , 5–87 ^(b) |
| | |

Notes:

(a) Background concentrations of arsenic, copper, lead and zinc are obtained by averaging the sampling results of a number of consultants' assessment reports for orchard and market garden sites, published in the discussion paper, *Assessment of orchard and market garden contamination* (EPA 1995a).

(b) The background concentration ranges for total cadmium and acid-extractable zinc are based on the report, *Cadmium levels in soils and vegetables of the Greater Sydney Region, Australia* (RIRDC 1999).

Procedure 2: Adjusting SILs for composite samples

2a. Where information on background concentrations is available

$$\text{Adjusted SIL} = \frac{(n-1) \times \text{background} + \text{unadjusted SIL}}{n}$$

where:

n = number of sub-samples in each composite sample

background = estimated local background concentration of a contaminant

unadjusted SIL = unadjusted level shown in Table 1

Example: The following is a worked example of an adjusted SIL for arsenic using the health-based SIL from Column 1 of Table 1 and assuming a composite of three sub-samples. Local background concentration for arsenic is 5 mg/kg, as shown in Table 2.

$$\text{Adjusted arsenic SIL} = \frac{(3-1) \times 5 + 100}{3} = 36.6 \text{ mg/kg}$$

Any composite results higher than of 36.6 mg/kg indicate a need for further analyses of the sub-samples individually.

2b. Where information on background concentrations is NOT available

Take a more conservative approach where there is no reliable information on background concentrations. This involves adjusting the SILs by dividing the value shown in Table 1 by the number of sub-samples that make up the composite sample. This method assumes zero contaminant concentration in all sub-samples except the one that represents a hotspot.

The result for the example in 2a would therefore be:

$$\text{Adjusted arsenic SIL} = \frac{100}{3} = 33.3 \text{ mg/kg}$$

3.4 Further hotspot assessment

The lateral extent of a hotspot can be determined by collecting and analysing samples at locations surrounding the sampling point where a high contaminant concentration has been found. The lateral boundary of a hotspot is defined as where the contaminant concentration reaches the average concentration of the surrounding area.

The vertical extent of a hotspot can be determined by analysing depth samples. Take initial samples from 150–300 mm and 300–500 mm below the soil surface. Samples from greater depths may be necessary to determine the full vertical extent of a hotspot.

3.5 Assessing ground and surface waters

Groundwater contamination from the use of pesticides at orchard and market garden sites is uncommon, mainly because the levels of contaminants in these soils are usually low. However, if initial investigation suggests the possibility of contamination at depth, assess the potential for groundwater to be affected as part of the site investigation.

For detailed groundwater and/or surface water investigation, select appropriate investigation levels from Australian sources wherever possible. These include the *Australian drinking water guidelines* (NHMRC / ARMCANZ 1996) or updates and the *Australian and New Zealand guidelines for fresh and marine water quality* (ANZECC / ARMCANZ 2000).

3.6 Chemical analysis

3.6.1 Analytical parameters

As a minimum, soil samples from cultivated areas should be analysed for:

- arsenic
- cadmium
- copper
- lead
- mercury
- organochlorine pesticides
- zinc.

If there is evidence that organophosphate, carbamate or other pesticides have been used on the site during the previous year, or spills or leaks are known or suspected to have occurred, add the relevant compound(s) to this list.

3.6.2 Laboratory analysis

All chemical analyses should be carried out by a laboratory accredited by the National Association of Testing Authorities (NATA) or an equivalent organisation for that particular analytical method.

Further guidance about appropriate analytical methodologies is outlined in Schedule B(3) of the NEPM (NEPC 1999). Where no suitable analytical method is provided, the US Environmental Protection Agency (USEPA 1986) and American Public Health Association (APHA 1998) or equivalent procedures may be used by an accredited laboratory.

Appendix B summarises appropriate analytical methods for contaminants that may be found in orchard and market garden sites.

Practical quantitation limits (PQLs) of laboratory analysis must be appropriate to the relevant threshold concentrations which are used for the assessment of soil and ground water. The detailed site investigation report should state the PQL for each analyte.

4 Remediating former orchard and market garden sites

It may be necessary to remediate a contaminated site before it is ready for the proposed land use.

The preferred hierarchy of options for site clean-up and management of ANZECC / NHMRC (1992) and the NEPM (NEPC 1999) may be summarised as follows:

- on-site treatment of the contamination so that it is destroyed or the associated risk is reduced to an acceptable level, or
- off-site treatment of excavated soil, so that the contamination is either destroyed or the associated risk is reduced to an acceptable level, after which it is returned to the site.

If neither of these options is possible, consider:

- removing contaminated material to an approved site or facility (refer to *Environmental guidelines: assessment, classification and management of liquid and non-liquid wastes* [EPA 1999a]), and replacement, where necessary, with validated clean fill, or
- consolidation and isolation of the soil on-site through containment by a properly designed barrier approved and regulated by DEC and/or the relevant planning authority as part of a site management plan.

Due to the small scale of orchard and market garden sites, vertical mixing of soils is not applicable to address localised contamination (EPA 1995b).

Anyone remediating contaminated orchard or market garden sites should take into account any requirements of SEPP 55. This policy provides a state-wide planning approach to the remediation of contaminated land, including:

- (a) specifying when consent for remediation work is and is not required
- (b) specifying relevant issues in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular
- (c) requiring that remediation work meets certain standards and notification requirements.

Managing land contamination: planning guidelines (DUAP / EPA 1998) provides guidance to planning authorities in their consideration of contamination under the planning process.

5 SITE VALIDATION

A former orchard or market garden site that has been remediated must be validated to demonstrate that it has reached a standard appropriate for the proposed land use and that residual contamination will not be harmful to human health or the environment.

Use a systematic sampling pattern for the validation program and statistical analysis of the data collected. For each site being validated, the 95% upper confidence limit (UCL) on the average concentration for each analyte should be below the relevant threshold

concentration, eg SIL. Areas where the 95% UCL is less than the relevant threshold value but one or more individual sample measurements are over 2.5 times the criteria need to be re-investigated to determine whether they are residual hotspots.

For further information on appropriate sampling densities and statistical analysis of validation programs see *Sampling design guidelines* (EPA 1995c); Schedule B(2) in the NEPM (NEPC 1999); and the USEPA's *Method for evaluation of the attainment of clean-up standards* (USEPA 1989).

The results of the validation should be documented in a report prepared according to *Guidelines for consultants reporting on contaminated sites* (EPA 1997c).

The procedures for the validation of on-site remediated material and the validation of imported material are given in *Sampling design guidelines* (EPA 1995c).

6 REPORTING

Information in the report of an assessment of potential contamination should be consistent with the requirements of *Guidelines for consultants reporting on contaminated sites* (EPA 1997c).

A decision not to address any of these reporting requirements should be backed up by a statement in the report. The choice of a sampling plan and design also needs to be justified and all conclusions substantiated by clear presentation and interpretation of the data. As with all contaminated land investigations, it is important that the investigator develops and presents a conceptual site model in order to understand the possible impacts of contamination at a site.

7 LIST OF ACRONYMS

The following acronyms are used in this document:

| | |
|----------------|--|
| ANZECC | (Former) Australian and New Zealand Environment and Conservation Council. Now Environment Protection and Heritage Council |
| APHA | American Public Health Association |
| ARMCANZ | Agriculture and Resource Management Council of Australia and New Zealand |
| DDD | the organochlorine pesticide dichlorodiphenyldichloroethane |
| DDE | the organochlorine pesticide dichlorodiphenyldichloroethylene |
| DDT | the organochlorine pesticide dichlorodiphenyltrichloroethane |
| DEC | Department of Environment and Conservation (NSW) |
| DIPNR | Department of Infrastructure, Planning and Natural Resources |
| DUAP | (Former) Department of Urban Affairs and Planning - see DIPNR |
| EPA | NSW Environment Protection Authority. Now incorporated as part of the Department of Environment and Conservation (NSW) |
| HIL | Health-based Investigation Level |
| NATA | National Association of Testing Authorities |
| NEHF | National Environmental Health Forum – now known as EnHealth |
| NEPC | National Environment Protection Council |
| NEPM | National Environment Protection Measure – specifically the National Environment Protection (Assessment of Site Contamination) Measure 1999 |
| NHMRC | National Health and Medical Research Council |
| PQL | Practical quantitation limit |
| SAHC | South Australian Health Commission. Now Department of Health SA |
| SIL | Soil investigation level |
| UCL | Upper confidence limit |
| USEPA | United States Environmental Protection Agency |

8 Glossary

Bioavailability

The ability to be taken up by organisms.

Composite sample

The bulking and thorough mixing of soil samples collected from more than one sampling location to form a single soil sample for chemical analyses.

Confidence level/limit

The probability, expressed as a percentage, that a statistical statement is correct.

Hotspot

A localised area where the level of contamination within that area is noticeably greater than that in surrounding areas.

Health-based investigation level (HIL)

The concentration of a contaminant (arrived at using appropriate sampling, analytical and data interpretation techniques) above which further appropriate investigation and evaluation will be required.

Practical Quantitation Limit (PQL)

The lowest concentration of an analyte that can be determined with acceptable precision (repeatability) and accuracy under the stated conditions of the tests.

Soil investigation level (SIL)

Soil investigation level consists of Health Investigation Levels and Provisional Phytotoxicity Levels (*Guidelines for NSW site auditor scheme*). SIL is the concentration of a contaminant in soil above which further investigation and evaluation are required and are arrived at using appropriate sampling, analytical and data interpretation techniques. Use SILs in conjunction with the decision-making process for assessing urban redevelopment sites outlined in *Guidelines for the NSW site auditor scheme* (EPA 1998 or updates)

Appendix A

Chemicals commonly associated with orchards and market gardens

| Inorganic compounds | Synthetic pyrethroids | Carbamates and dithiocarbamates | Organochlorines | Organo-phosphates |
|---------------------|-----------------------|---------------------------------|-------------------------------|-------------------|
| Arsenic | Alphamethrin | Carbofuran | BHC | Azinphos ethyl |
| Cadmium | Cypermethrin | Methiocarb | Chlordane | Azinphos methyl |
| Copper | Deltamethrin | Methomyl | DDT | Chlorpyrifos |
| Lead | Esfenvalerate | Thiram | Dieldrin | Demeton-s-methyl |
| Mercury | Fenvalerate | Zineb | Endosulfan | Diazinon |
| Zinc | Permethrin | Ziram | Endrin | Dichlorvos |
| | | | Heptachlor (and its epoxides) | Dimethoate |
| | | | Lindane | Fenamiphos |
| | | | | Fenthion |
| | | | | Fenitrothion |
| | | | | Maldison |
| | | | | Methidathion |
| | | | | Methamidophos |
| | | | | Mevinphos |
| | | | | Monocrotophos |
| | | | | Omethoate |
| | | | | Parathion |
| | | | | Profenofos |
| | | | | Temephos |

Note: Herbicides are not included as they are not commonly found at residual concentrations likely to pose a risk to human health or the environment.

Appendix B

Recommended analytical methods

| Analytes | Analytical procedures | | | |
|--|---|--|--|--|
| | Water | | Soil | |
| | Extraction | Detection | Extraction | Detection |
| Arsenic Cadmium Copper Lead Zinc | APHA 3030E USEPA 3010A (Flame AAS or ICP) USEPA 3020A (ET-AAS) | APHA 3120 (ICP- AES) USEPA 200.7 (ICP-AES) USEPA 200.8 (ICP-MS) APHA 3125 (ICP- MS) APHA 3113 (ET- AAS) | USEPA 3050B USEPA 3051 | APHA 3120 (ICP- AES) USEPA 200.7 (ICP-AES) USEPA 200.8 (ICP-MS) APHA 3125 (ICP- MS) APHA 3113 (ET- AAS) |
| Mercury | USEPA 7470A APHA 3112 | USEPA 7470A APHA 3112 (Cold Vapour AAS) | USEPA 7471A | USEPA 7470 USEPA 7471A APHA 3112 (Cold Vapour AAS) |
| Organochlorine pesticides | USEPA 3510 APHA 6630B | USEPA 8270C | USEPA 3550B USEPA 3545 USEPA 3540C | USEPA 8270C |
| Organophosphate pesticides | USEPA 3510 | USEPA 8270C | USEPA 3545 USEPA 3540C | USEPA 8270C |
| Carbamates | APHA 6610 USEPA 8318 | APHA 6610 USEPA 8318 | USEPA 8318 | USEPA 8318 |
| Thiocarbamates | USEPA 634 | USEPA 634 | No method available | No method available |
| Dithiocarbamates | USEPA 630 ^(a) | USEPA 630 ^(a) | No method available | No method available |
| Synthetic pyrethroids | USEPA 3510 | USEPA 8270C | USEPA 3545 USEPA 3540C | USEPA 8270C |

(a) This should be considered a screening method only. It does not speciate the dithiocarbamates.

Notes:

APHA methods sourced from APHA 1998, *Standard methods for examination of water and wastewater*, 20th Edition

USEPA methods sourced from USEPA 1986 and later (*Test methods for evaluating solid waste – physical/chemical methods SW846* and various revisions); USEPA 1994 (*Methods for the determination of metals in environmental samples – supplement I*).

NEPC methods sourced from Schedule B(3) in NEPC 1999 (*National environment protection [assessment of site contamination] measure*).

The above methods are recommended as the most appropriate for validating that a site is suitable for residential development. Other appropriate USEPA/APHA methods may be used, but the site assessor will need to produce evidence that the alternative methods perform as well as those recommended.

It is not possible to prescribe specific methods for all individual herbicides. Seek advice from a consulting laboratory when there is analysis for specific herbicides. All methods should be accredited by the National Association of Testing Authorities (NATA) and fully validated.

The detection limit used in analysis of soils and waters during any site assessment should be appropriate to meet the relevant assessment criteria.

References and bibliography

- ANZECC / ARMCANZ (2000) *Australian and New Zealand guidelines for fresh and marine water quality*, Australian and New Zealand Environment and Conservation Council and Agricultural and Resource Management Council of Australia and New Zealand, Canberra
- ANZECC / NHMRC (1992) *Australian and New Zealand guidelines for the assessment and management of contaminated sites*, Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, Canberra
- APHA (1998) *Standard methods for examination of water and wastewater*, 20th Edition, LS Clesceri, AE Greenberg and AD Eaton (eds), American Public Health Association, American Water Works Association and Water Environment Federation, New York
- ARMCANZ (1997) *Minimum construction requirements for water bores in Australia*, Agricultural and Resource Management Council of Australia and New Zealand, Canberra
- Di Marco, P (1993) 'The assessment and management of organochlorine termiticides', *Proceedings of the Second National Workshop on the Health Risk Assessment of Contaminated Sites*, A Langley and M van Alphen (eds), Canberra
- DLWC (1997) *NSW state groundwater policy framework document*, Department of Land and Water Conservation, Sydney
- DLWC (1998) *NSW state groundwater quality protection policy*, Department of Land and Water Conservation, Sydney
- DLWC (2002) *NSW state groundwater dependent ecosystems policy*, Department of Land and Water Conservation, Sydney
- DUAP (1998) *State Environmental Planning Policy 55 – Remediation of Land*, Department of Urban Affairs and Planning, Sydney
- DUAP / EPA (1998) *Managing land contamination: planning guidelines*, Department of Urban Affairs and Planning and Environment Protection Authority, Sydney
- EnHealth (2001) *Exposure scenarios and exposure settings*, Soil Series No.2, 3rd Edition, EnHealth Council, Canberra
- EPA (1994) *Guidelines for assessing service station sites*, Environment Protection Authority, Sydney
- EPA (1995a) *Assessment of orchard and market garden contamination – contaminated sites discussion paper*, Environment Protection Authority, Sydney
- EPA (1995b), *Guidelines for the vertical mixing of soil on broad-acre agricultural land*, Environment Protection Authority, Sydney
- EPA (1995c) *Sampling design guidelines*, Environment Protection Authority, Sydney
- EPA (1997a) *Bananalands contaminant distribution study*, Environment Protection Authority, Sydney
- EPA (1997b) *Guidelines for assessing banana plantation sites*, Environment Protection Authority, Sydney
- EPA (1997c) *Guidelines for consultants reporting on contaminated sites*, Environment Protection Authority, Sydney

- EPA (1998) *Guidelines for the NSW site auditor scheme*, Environment Protection Authority, Sydney
- EPA (1999a) *Environmental guidelines: assessment, classification and management of liquid and non-liquid wastes*, Environment Protection Authority, Sydney
- EPA (1999b) *Guidelines on significant risk of harm from contaminated land and the duty to report*, Environment Protection Authority, Sydney
- Lock, WH (1996) *Composite sampling*, National Environmental Health Forum Monographs, Soil Series No.3, South Australian Health Commission, Adelaide
- MDBC (1997) *Murray–Darling Basin groundwater quality sampling guidelines*, Technical Report No.3, Murray–Darling Basin Commission, Groundwater Working Group, Canberra
- NEHF (1996) *Composite sampling*, National Environmental Health Forum Monographs, Soil Series No.3, South Australian Health Commission, Adelaide
- NEPC (1999) *National Environment Protection (Assessment of Site Contamination) Measure*, National Environment Protection Council, Adelaide
- NHMRC / ARMCANZ (1996) *National water quality management strategy: Australian drinking water guidelines*, National Health and Medical Research Council and Agricultural and Resource Management Council of Australia and New Zealand, Canberra
- Premier's Task Force (2000) *Market gardening by people of non-English speaking background*, NSW Agriculture (ed), Sydney
- RIRDC (1999) *Cadmium levels in soils and vegetables of the Greater Sydney Region, Australia*, report by N Jinadasa, P Milham, C Hawkins, P Cornish, P Williams, C Kaldor and J Conroy, Rural Industries Research and Development Corporation, Australian Capital Territory
- SAHC (1994) *Identification and assessment of contaminated land – improving site history appraisal*, JW Edwards, M van Alphen and A Langley (eds), South Australian Health Commission, Adelaide
- USEPA (1986 and revisions) *Test methods for evaluating solid waste – physical/chemical methods SW846*, 3rd Edition and updates, Office of Solid Waste and Emergency Response, United States Environmental Protection Agency, Washington
- USEPA (1989) *Method for evaluation of the attainment of clean-up standards*, United States Environmental Protection Agency, Washington
- USEPA (1994) *Methods for the determination of metals in environmental samples – supplement I*, United States Environmental Protection Agency, Cincinnati, Ohio
- WA Department of Environmental Protection (1992) *Draft environmental code of practice for market gardens on the Swan Coastal Plain*, Perth

TENDERS

Department of Commerce

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Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

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PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

AUBURN COUNCIL

Roads Act 1993, Section 162(1)

Roads (General) Regulation 2000, Clause 9.

Naming of Public Road – George Young Street, Auburn

NOTICE is hereby given that Auburn Council by resolution of the Council dated June 15, 2005 and pursuant to the above mentioned Act and Regulations, has named a newly constructed road, located between Rose Crescent and Princes Road East, as George Young Street, Auburn. J. BURGESS, General Manager, Auburn Council, PO Box 118, Auburn, NSW, 1835. [1364]

BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Baulkham Hills Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Roads Act 1993. Dated at Castle Hill this 14th day of June 2005. DAVE WALKER, Acting General Manager.

SCHEDULE

Lot 31 of DP 1077413 [1393]

BEGA VALLEY SHIRE COUNCIL

Notice of Vesting of Road

Roads Act 1993 Section 16

THE Bega Valley Shire Council hereby gives notice that pursuant to Section 16 of the Roads Act 1993, the land described in the Schedule is vested as Public Road in the name of the Bega Valley Shire Council. Dated 14 June 2005. D. G. Jesson, General Manager.

Schedule

All that piece of land at Cobargo and comprised in Lot 7 Section 1 Deposited Plan 485. [1366]

BLACKTOWN CITY COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Blacktown City Council declares, 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, as land to be made available for a public purpose for which it is reserved or zoned under an Environmental Planning Instrument in accordance with the Local Government Act 1993. Dated at Blacktown this

16th day of June 2005. RON MOORE, Acting General Manager, Blacktown City Council, PO Box 63, Blacktown, NSW 2148.

SCHEDULE

Lot 283, DP1075889. [1365]

CESSNOCK CITY COUNCIL

Local Government Act 1993, Section 50

Public garden and recreation space and drainage reserves provided for in subdivisions approved before 15.6.1964

CESSNOCK CITY COUNCIL – in the terms of section 50 of the Local Government Act 1993, does hereby notify that the drainage reserve shown in DP12878 off Dixon treet, Cessnock in the Parish of Pokolbin, County of Northumberland, Certificate of Title Volume 3616 Folio 21 is now vested in the Cessnock City Council for an estate in fee simple. COLIN COWAN, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock. N.S.W. 2325. (Reference: PIN 5692). [1367]

GOSFORD CITY COUNCIL

Water Management Act 2000

Service Charges for 2005/2006

IN accordance with section 315 and 316 of the Water Management Act 2000, Gosford City Council does hereby determine the fees and charges set out in sections 1 to 6 below for the period 1 July 2005 to 30 June 2006 based on determination of the authority set out in A, B and C below:

- A The amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is \$44,200,000 for the period 1 July 2005 to 30 June 2006.
- B All land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:
- (i) Whether the land is residential or non residential; and
 - (ii) The nature and extent of the water and sewerage services connected to each individual allotment.
- C Service charges shall be uniformly levied on the following basis:
- (i) the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably practicable for water to be supplied to the land, expressed as a charge determined by the nominal diameter of the service connection attaching to the Authority's meter;
 - (ii) by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and
 - (iii) where water pressure requires larger sizes of service connections a charge as assessed by the Authority.

1 Water Charges

The annual water base charges for Residential, Commercial and Industrial properties are to be the maximum of either the metered base charges applicable to the property or the unmetered fire service base charge.

The annual water base charge for each unit within a residential strata development is not to exceed \$80.82.

Table 1: Water Service / Meter Hire Charge for Residential and Non Residential Properties

| <i>Basis of Charge Service Connection</i> | <i>Maximum charge per annum for the period 1 July 2005 to 30 June 2006</i> |
|---|--|
| <i>Meter Size</i> | <i>\$</i> |
| 20mm | 80.82 |
| 25mm | 126.28 |
| 32mm | 206.90 |
| 40mm | 323.28 |
| 50mm | 505.13 |
| 65mm | 853.66 |
| 80mm | 1,293.12 |
| 100mm | 2,020.50 |
| 150mm | 4,546.13 |
| 200mm | 8,082.00 |

For meter diameter sizes not specified above, the following formula applies: (service size) 2 x 80.82/400

Table 2: Water Usage Charge for Residential and Non Residential Properties

| <i>Basis of Charge</i> | <i>Maximum charge per annum for the period 1 July 2005 to 30 June 2006</i> |
|-----------------------------|--|
| | <i>\$</i> |
| Per kilolitre of water used | 0.925 |

The water usage charge for all water drawn from standpipes is 0.925 cents per kilolitre.

Table 3: Water Service / Meter Hire Charge for Vacant Properties

| <i>Basis of Charge</i> | <i>Maximum charge per annum for the period 1 July 2005 to 30 June 2006</i> |
|--|--|
| | <i>\$</i> |
| Classification of land being vacant property | 80.82 |

2 Sewerage Charges

The 2005/06 Residential Sewerage charge is set out in Table 4 in accordance with the Independent Pricing and Regulatory Tribunal's determination of 26 May 2005. Residential is defined as:

- A single residential dwelling
- Residential dwelling plus one non-strata flat
- Residential strata unit

Table 4: Residential Sewerage / Meter Hire Charge

| <i>Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|-------------------------|--|
| | <i>\$</i> |
| Sewerage service charge | 363.99 |

Table 5: Minimum Non-Residential Sewerage Service Charge

| <i>Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|---------------------------------|--|
| | <i>\$</i> |
| Minimum sewerage service charge | 363.99 |

Table 6: Non Residential Sewerage / Meter Hire Charge

| <i>Basis of Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|--|--|
| <i>Service Connection Meter Size</i> | <i>\$</i> |
| 20mm | 271.92 |
| 25mm | 424.88 |
| 32mm | 696.12 |
| 40mm | 1,087.68 |
| 50mm | 1,699.50 |
| 65mm | 2,872.16 |
| 80mm | 4,350.72 |
| 100mm | 6,798.00 |
| 150mm | 15,295.50 |
| 200mm | 27,192.00 |

For meter diameter sizes not specified above, the following formula applies: (service size)² x 271.92/400

The minimum amount payable by a non-residential customer is \$363.99

Table 7: Non-Residential Sewerage Usage Charge

| <i>Basis of Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|---|--|
| | <i>\$</i> |
| Usage of the service (per kilolitre of water used) | 0.78 x df% |

The price for sewer usage for non-residential customers is set out in Table 7 adjusted by a discharge factor.

The discharge factor is applied to the assessed percentage of water purchased from Gosford City Council to determine the volume discharged to the sewer.

Table 8: Sewerage Service Charge for Vacant Properties

| <i>Basis of Charge</i> | <i>Maximum charge per annum for the period 1 July 2005 to 30 June 2006</i> |
|---|--|
| | <i>\$</i> |
| Classification of land as a vacant property | 272.99 |

3 Trade Waste Charges

The maximum charge for trade waste discharge of excess quantity and acceptance quality and annual inspection fee is set out in Table 9.

Table 9: Trade Waste Charges

| <i>Basis of Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|--|--|
| | <i>\$</i> |
| Trade waste usage charge (per kL) | 1.30 |
| Septic/Portalo/Mobile cleaning charge (per kL) | 11.00 |
| Other liquid wastes transported by disposal contractors (per kL) | 1.20 |

| | |
|---|--------|
| Annual Trade Waste Agreement Fee (inc GST) | 73.30 |
| Liquid Trade Waste re-inspection Fee(inc GST) | 123.60 |
| Charge for lack of pre-treatment facility (per kL) | 11.00 |

Table 10: Excess Mass Charges

| <i>Pollutant</i> | <i>Excess Mass charge (\$/kg) for the period 1 July 2005 to 30 June 2006</i> |
|--|--|
| | \$ |
| Aluminium (Al) | \$0.54 |
| Ammonia (as N) | \$1.60 |
| Arsenic (As) | \$54.00 |
| Barium (Ba) | \$27.00 |
| Biological Oxygen Demand (BOD5) | \$1.30 |
| Boron (B) | \$0.54 |
| Bromine (Br2) | \$11.00 |
| Cadmium (Cd) | \$250.00 |
| Chlorinated Hydrocarbons | \$27.00 |
| Chlorinated Phenolics | \$1,100 |
| Chloride | No Charge |
| Chlorine (Cl2) | \$1.10 |
| Chromium (Cr) (Total)# | \$18.00 |
| Cobalt (Co) | \$11.00 |
| Copper (Cu) | \$11.00 |
| Cyanide | \$54.00 |
| Fluoride (F) | \$2.70 |
| Formaldehyde | \$1.10 |
| Grease | \$6.68 |
| Herbicides/Weedicides/Fungicides | \$540.00 |
| Iron (Fe) | \$1.10 |
| Lead (Pb) | \$27.00 |
| Lithium (Li) | \$5.40 |
| Methylene Blue Active Substances (MBAS) | \$0.54 |
| Manganese (Mn) | \$5.40 |
| Mercury (Hg) | \$1,800 |
| Molybdenum (Mo) | \$0.54 |
| Nickel (Ni) | \$18.00 |
| Nitrogen (N) (Total Kjeldahl Nitrogen) | \$0.14 |
| Pentachlorophenol | \$1,100 |
| Pesticides – General | \$540 |
| Pesticides – Organochlorine | \$540 |
| Pesticides – Organophosphate | \$540 |
| PCB | \$540 |
| Petroleum Hydrocarbons (non-flammable) | \$1.80 |
| pH>10, or pH<7 | \$0.54 |
| Phenolic Compounds (excluding chlorinated) | \$5.40 |
| Phosphorus (Total) | \$1.10 |
| Polynuclear Aromatic Hydrocarbons (PAH) | \$11.00 |
| Selenium (Se) | \$38.00 |
| Silver (Ag) | \$11.00 |
| Sulphate (SO4) | \$0.11 |
| Sulphide (S) | \$1.10 |
| Sulphite (SO3) | \$1.10 |
| Suspended Solids (SS or NFR) | \$1.30 |
| Temperature | No Charge |
| Tin (Sn) | \$5.40 |
| Total Dissolved Solids | \$0.04 |
| Zinc (Zn) | \$11.00 |

4 Drainage Service Charges

The drainage service charges are \$42.00 per rateable property with a \$21.00 rebate for eligible pensioners.

Table 11: Stormwater Drainage Levy for Residential and Non Residential Properties

| <i>Basis of Charge</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|--------------------------|--|
| | \$ |
| Drainage Levy (per year) | 42.00 |

5 Laboratory Service Charges (Non IPART)**Table 12: Laboratory Service Charges**

| <i>Basis of Charge Per analysis</i> | <i>Maximum charge for the period 1 July 2005 to 30 June 2006</i> |
|---|--|
| | \$ |
| Laboratory analysis (incl. GST) | 10.00 |

6 Charges for Ancillary and Miscellaneous Services**Table 13: Charges for Ancillary and Miscellaneous Services**

| <i>Service No.</i> | <i>Description</i> | <i>Maximum price per service for the period 1 July 2005 to 30 June 2006</i> |
|------------------------|---|---|
| | | \$ |
| 1 | Conveyancing Certificate Statement of Outstanding Charges | |
| | a) Over the Counter | 25.00 |
| | b) Electronic | NA |
| 2 | Property Sewerage Diagram – Up to and Including A4 size (where available) Diagram showing the location of the house-service line, building and sewer for a property | |
| | a) Certified | 25.00 |
| | b) Uncertified | |
| | 1. Over the Counter | 20.00 |
| | 2. Electronic | NA |
| 3 | Service Location Diagram Location of Sewer and/or Water Mains in relation to a property's boundaries | |
| | a) Over the Counter | 1500 |
| | b) Electronic | NA |
| 4 | Special Meter Reading Statement | 53.00 |
| 5 | Billing Record Search Statement – Up to and including 5 years (excluding GST) | 17.05 |
| 6 | Building Over or Adjacent to Sewer Advice Statement of approval status for existing building over or adjacent to a sewer | 0.00 |
| 7 | Water Reconnection | |
| | a) During business hours | 50.00 |
| | b) Outside business hours | 100.00 |
| 8 | Workshop Test of Water Meter Removal of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. A separate charge relating to transportation costs and the full mechanical test which involves dismantling and inspection of meter components will also be payable | |
| | 20mm | 134.00 |
| | 25mm | 134.00 |
| | 32mm | 134.00 |

| | | | | <i>Maximum price per service for the period July 2005 to 30 June 2006</i> | |
|----|---|------------------------|--|---|---|
| | | <i>Service No.</i> | <i>Description</i> | <i>Fixed</i> | <i>Hourly</i> |
| | 40mm | 134.00 | | | |
| | 50mm | 134.00 | | | |
| | 60mm | 134.00 | | | |
| | 80mm | NA | | | |
| | 100mm | NA | | | |
| | 150mm | | | | |
| 9 | Application for Disconnection – All Sizes | 38.00 | 21 Cancellation Fee – Water and Sewerage Applications | 50.00 | NA |
| 10 | Application for Water Service Connection (up to and including 25mm) This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection. | 38.00 | 22 Sales of Building Over Sewer and Water Guidelines (incl. GST) | 11.10 | NA |
| 11 | Application for Water Service Connection (32 – 65mm) This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection. | 38.00 | 23 Section 307 Certificate Dual Occupancies Commercial Buildings, Factories, Torrens Subdivision of Dual Occupancy etc Boundary Realign with Conditions Subdivisions Development without Requirement Fee | 87.00 130.00 212.00 631.00 51.00 | NA |
| 12 | Application for Water Service Connection (80mm or greater) This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection. | 38.00 | 24 Inspection of Concrete Encasement and Additional Junction Cut-ins Inspection of concrete encasement Additional Inspection (due to non-compliance) Inspection of concrete encasement greater than 10m | 140.00 48.00 140.00 plus 14.00 for every metre over 10 metres of encasement | NA |
| 13 | Application to Assess a Water Main Adjustment (Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length) This covers preliminary advice as to the feasibility of the project and will result in either: 1 * (a) A rejection of the project in which case the fee covers the associated investigation costs. OR * (b) Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment. | 270.00 270.00 | 25 Sale of Specification for Construction of Water and Sewerage Works by Private Contractors (inc GST) | 85.80 per volume | NA |
| 14 | Standpipe Hire Security Bond (all meter sizes) | 596.00 | 26 Private Developers Plan Resubmission | NA | 58.00 for first hour and 30.00 for each hour thereafter |
| 15 | Standpipe Hire < 50mm ≥ 50mm | 80.82 505.13 | 27 Approval of Developers Sewer Pump Station Rising Main Design | 220.00 | NA |
| 16 | Standpipe Water Usage Fee (\$ per kL) | 0.925 | 28 Approval of Private Internal Residential Sewer Pump Station Rising Main Design (incl. GST) | 93.50 | NA |
| 17 | Backflow Prevention Device Application and Registration Fee This fee is for the initial registration of the backflow device.(excluding GST) | 60.00 | 29 Approval of Extension of Sewer/Water Mains to Properties Outside Service Areas | 120.00 | NA |
| 18 | Backflow Prevention Application Device Annual Administration Fee This fee is for the maintenance of records including logging of inspection reports.(excluding GST) | 27.50 | 30 Sale of Sewer Plan Books A3 Sheets in Cardboard Folder A3 Sheets in Plastic Pockets (3 folders) Annual Charge for Monthly Updating Service CD (inc GST) | NA NA NA 71.50 | NA |
| 19 | Major Works Inspection Fee This fee is for the inspection, for the purpose of approval, of water and sewer mains, constructed by others that are longer than 25 metres and/or greater than 2 metres in depth. Water Mains (\$ per metre) Sewer Mains (\$ per metre) Reinspection | 8.00 9.00 108.00 | 31 Trade Waste Approvals (inc GST) | 176.00 | 0.00 |
| 20 | Statement of Available Pressure and Flow This fee covers all level whether modelling is required or not. | 110.00 | 32 Water Service Connection Fee for a 20mm Meter (for meters greater than 25mm charges will be levied on the actual cost of the work involved) | 300.00 | NA |
| | | | 33 Sewer Connection Fees New Sewer Connection Plus Each Additional WC Alterations Units/Villas (1 WC each flat or unit) Plus for each additional WC Caravan Connection Fee Sewer Re-Inspection Fee | 170.00 65.00 122.00 140.00 82.00 94.00 | NA |

[1368]

LACHLAN SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991
 Notice of compulsory acquisition of land

LACHLAN Shire Council declares, with the approval of Her Excellency the Governor, that the land described in Schedule A below, with the exception of the interest described in Schedule B below and excluding mines and minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for residential purposes. Dated this 17th Day of June 2005. R. W. BAILEY, General Manager.

SCHEDULE A

Lot 212, DP 1058505.

SCHEDULE B

Easement for water supply pipeline 5 wide over lot 212 DP 1058505 as shown in DP 1058505. [1369]

MID-WESTERN REGIONAL COUNCIL**ERRATUM**

Roads Act 1993, Section 162-Naming of Public Roads

THE Road originally gazetted in the *New South Wales Government Gazette* of 25 June 2004, as Banjo Patterson Avenue should be correctly spelt as "Banjo Paterson Avenue". GARRY STYLES, General Manager, PO Box 156, 86 Market Street, Mudgee NSW 2850. [1370]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Acquisition) Act 1991
 Notice of Compulsory Acquisition of Land

THE Tweed Shire Council declares, with the approval of Her Excellency the Governor, that the lands described in the schedule below excluding any mines or mineral deposits in the lands are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of public road. Dated at Murwillumbah this 16th day of June 2005, J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lot 1 DP 1074009.

Lot 1 DP 1074359. [1371]

WARRUMBUNGLÉ SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Acquisition) Act 1991
 Notice of Compulsory Acquisition of Land

THE Warrumbungle Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the

Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the construction of a water treatment facility. Dated at Coonabarabran this 27th day of May 2005, R. J. GERAGHTY, Acting General Manager, Warrumbungle Shire Council, 20-22 John Street (PO Box 120), Coonabarabran NSW 2357.

SCHEDULE

Lot 1, DP 1076077. [1384]

WEDDIN SHIRE COUNCIL

Naming of Road

NOTICE is hereby given pursuant to section 162 of the Roads Act 1993 that Weddin Shire Council hereby names the new roads described below as HUCKEL CLOSE, STAN McCABE DRIVE and GUY CRESCENT.

Road: three streets in the Lawson Park Estate which is located on the southern edge of Grenfell, off MR239 (Henry Lawson Way, also known as Young Rd).

Authorised by resolution of the Council on 19 May 2005. T. V. LOBB, General Manager, Camp Street (PO Box 125) Grenfell NSW 2810 [1391]

WEDDIN SHIRE COUNCIL

Naming of Road

NOTICE is hereby given pursuant to section 162 of the Roads Act 1993 that Weddin Shire Council hereby names the new road described below as GRIMSHAW'S LANE.

Road: running from Peter and Carlene Grimshaw's house block in a northerly direction along their Henry Lawson Way subdivision (lots 381, 382, 383 and 384) until it meets Murrays Lane, 2 km south of Grenfell.

Authorised by resolution of the Council on 19 May 2005. T. V. LOBB, General Manager, Camp Street (PO Box 125) Grenfell NSW 2810 [1392]

WYONG SHIRE COUNCIL

Water Management Act 2000

Service Charges for 2005/2006

IN accordance with section 315 and 316 of the Water Management Act 2000, Wyong Shire Council does hereby determine the charges and fees set out in D to H below for the period 1 July 2005 to 30 June 2006 based on determination of the Authority set out in A, B and C below:

- A** The amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is \$39,252,000 for the period of 1 July 2005 to 30 June 2006.
- B** All land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:
- i whether the land is residential or non residential; and
 - ii the nature and extent of the water or sewerage services connected to each individual allotment.

C Service charges shall be uniformly levied on the following basis:

- i the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably practicable for water to be supplied to the land, expressed as a charge determined by the nominal pipe size attaching to the Authority's service supply meter;
- ii by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and
- iii where water pressure requires larger sizes of service connections a charge as assessed by the Authority.

D WATER SERVICE CHARGES

Water Service Charges for all land in the area of Wyong Council connected to, or capable of connection to a water main of the Authority:

i Water Service Charge – Metered Services

The water service charges for the period 1 July 2005 to 30 June 2006 be:

| Nominal Pipe/Meter Size | Water Service Charge |
|-------------------------|--|
| | \$ |
| 20mm | \$92.25 |
| 25mm | \$144.14 |
| 40mm | \$369.00 |
| 50mm | \$576.56 |
| 80mm | \$1,476.00 |
| 100mm | \$2,306.25 |
| 150mm | \$5,189.06 |
| 200mm | \$9,225.00 |
| Greater than 200mm | (Nominal size) ² x 92.25/400 |

ii Water Service Charges – Vacant Land

All properties not serviced but to which it is reasonably practical for water to be supplied, be charged the water service charge of \$92.25.

iii Water Service Charges – Strata Properties with Master Meter Only

Where water usage to a strata titled property is measured through a master meter only, each individual unit be levied a service charge of \$92.25. Water Usage is to be apportioned to the various lots in the Strata Plan in accordance with the schedule of unit entitlement and be charged to the unit owners at the rate of 92.5 cents per kilolitre.

iv Water Service Charges – Company Title Dwelling

Where water usage to a company title property is measured through a master meter only, each individual company title dwelling be levied a service charge of \$92.25. Water usage is to be charged to the owner of the company title property at the rate of 92.5 cents per kilolitre.

v Water Service Charges – Community Title Properties

Where a common water meter or multiple common meters are attached to service the property, the water service charges for the period 1 July 2005 to 30 June 2006 be apportioned to the various lots in the community title plan in accordance with the schedule of unit entitlement. Water Usage is to be apportioned to the

various lots in the community title plan in accordance with the schedule of unit entitlement and be charged to the unit owners at the rate of 92.5 cents per kilolitre.

vi Water Usage Charge

That all water used be charged at the rate of 92.5 cents per kilolitre.

Minimum Accounts

That water consumption accounts of less than \$5.00 not be raised.

E SEWER

Sewerage Service Charges be the charges referred to in sub paragraphs i to vii, below for all land in the area of Wyong Council connected to, or capable of connection to a sewer main of the Authority:

i Sewerage Service Charges – Single Residential Properties

The sewerage service charge for each single residential property to be three hundred and sixty seven dollars and eighty seven cents (\$367.87).

ii Sewerage Service Charges – Residential Strata Properties

The sewerage service charge for residential strata properties to be the same as the sewerage service charge – single residential properties to be levied on each strata unit owner.

iii Sewerage Service Charge – Non Strata Titled Units (Residential – Non Residential) and Retirement Villages

The sewerage service charge to be the same as the sewerage service charge for non-residential properties.

iv Sewerage Service Charge – Non Residential Properties

* Sewerage Service Charge

The service charges for the period July 1 2005 to June 30 2006 be:

| Meter Size | Charge |
|--------------------|---|
| | \$ |
| 20mm | \$132.53 |
| 25mm | \$207.08 |
| 40mm | \$530.12 |
| 50mm | \$828.31 |
| 80mm | \$2,120.48 |
| 100mm | \$3,313.25 |
| 150mm | \$7,454.81 |
| 200mm | \$13,253.00 |
| Greater than 200mm | (Nominal Size) ² x 132.53/400 |

The above Sewerage Service Charges – Non Residential Properties, including non-strata titled units and retirement villages, are multiplied by the discharge factor of water being discharged into Council's sewerage system.

* Sewerage Usage Charges – Properties other than those classified as Category A or B under Council's Trade Waste Policy.

A sewerage usage charge of sixty six point zero (66.0) cents per kilolitre calculated on all water consumed multiplied by the discharge factor of water being discharged into Council's sewerage system.

- * **Minimum Charge – Non Residential Properties**
The minimum sewer service charge on all non residential properties be three hundred and sixty seven dollars and eighty seven cents (\$367.87).

v Trade Waste Charges

- * Premises classified as Category A under Council's Trade Waste Policy.

| | |
|------------------------------|---------------------------------------|
| Sewerage Service Charge | In accordance with Normal Premises |
| Usage Charge | In accordance with Trade Waste Policy |
| Agreement/Re-Inspection Fees | In accordance with Trade Waste Policy |

Trade Waste Policy Category A

| | | |
|-----------------------|----------|-------------------------|
| Volume | \$0.39 | per kilolitre |
| BOD | \$0.66 | per kilogram |
| SS | \$0.54 | per kilogram |
| Oil and Grease | \$1.33 | per kilogram |
| Licence/Agreement Fee | \$302.08 | Includes inspection fee |
| Re-inspection Fee | \$41.98 | |

- * Premises classified as Category B under Council's Trade Waste Policy

| | |
|------------------------------|---------------------------------------|
| Sewerage Service Charge | In accordance with Normal Premises |
| Usage Charge | \$0.66 per kilolitre |
| Agreement/Re-Inspection Fees | In accordance with Trade Waste Policy |

Trade Waste Policy Category B

| | | |
|-----------------------|---------|--|
| Licence/Agreement Fee | \$41.98 | Inspection of Oil Arresters with water consumption less than 2,000 kl/year. (Inspection of premises collection of sample). |
| Excess BOD | \$0.66 | per kilogram |
| Excess SS | \$0.54 | per kilogram |
| Excess Oil and Grease | \$1.33 | per kilogram |

vi Sewerage Service Charges – Vacant Land

All properties to which a sewerage service is not supplied but to which it is reasonably practical for sewerage services to be supplied be charged the minimum charge of two hundred and seventy five dollars and ninety cents (\$275.90).

vii Sewerage Service Fee – Exempt Property – Schedule 4 of the Water Management Act 2000

The charge for sewerage services rendered in respect of exempt properties as described in Schedule 4 of the Water Management Act 2000 shall be \$51.90 per annum for each water closet. In any case where a urinal is installed an additional charge of \$18.38 per annum for each cistern servicing such a urinal may be levied.

F In accordance with Section 310(2) of the Water Management Act 2000 No. 92 and Clause 6 of the Water Management (Water Supply Authorities Finance) Regulations 1996, Council determine the following maximum fees for the period 1 July 2005 to 30 June 2006:

| i Effluent Removal Type of Service | Cost of Service |
|---|------------------------|
| a) Annual Two Weekly Service | \$846.85 |
| b) Each requested special service | \$32.77 |
| c) Commercial service | \$10.86 per k/l |

| ii Sludge Removal and Disposal Service | Cost of Service |
|---|------------------------|
| a) Septic tanks with the capacity up to 2750 litres (per service) | \$237.57 |
| b) Septic tanks exceeding 2750 litres or AWTS with one tank (per service) | \$308.22 per tank |
| c) AWTS with more than one tank (per system) | \$459.78 |
| d) Sludge disposal only (collection organised by customer) | \$25.60 per k/l |
| iii Chemical Closet Type of Service | Cost of Service |
| a) Annual Two Weekly Service | \$1,220.55 |
| b) Each requested weekly special service | \$23.78 |

G PART YEAR CHARGES

For those properties that become chargeable or non chargeable for the water and sewerage service charges during the year a proportional charge calculated on a weekly basis be applied.

H MISCELLANEOUS CHARGES

In accordance with section 310(2) of the Water Management Act 2000 No. 92 and Clause 6 of the Water Management (Water Supply Authorities Finance) Regulations 1996, Council determine the following maximum fees for the period 1 July 2005 to 30 June 2006.

| | |
|---|----------|
| 1 Conveyancing Certificate (Section 360 Water Management Act) | |
| Statement of Outstanding Charges | \$15.00 |
| 2 Property Sewerage Diagram – Up to and including A4 size (where available) | |
| Diagram showing the location of the house-service line, building and sewer for a property | |
| a) Certified | \$15.00 |
| b) Uncertified | \$15.00 |
| 3 Service Location Diagram | |
| Location of Sewer and/or Water Mains in relation to a property's boundaries. | \$15.00 |
| 4 Special Meter Reading Statement | \$46.00 |
| 5 Billing Record Search Statement – Up to and including 5 Years | \$15.00 |
| 6 Water Reconnection | |
| a) During business hours | \$31.00 |
| b) Outside business hours | \$128.00 |
| 7 Workshop Test of Water Meter | |
| Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. This involves dismantling and inspection of meter components. | |
| 20mm | \$154.0 |
| 25mm | \$154.0 |
| 32mm | \$154.0 |
| 40mm | \$154.0 |
| 50mm | \$154.0 |
| 60mm | \$154.0 |
| 80mm | \$154.0 |
| 8 Application for Disconnection – All Sizes | \$26.00 |

| | | | | | |
|----|---|--|----|--|--|
| 9 | Application for Water Service Connection – All Sizes | | 19 | Provision of Water Services | |
| | This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection. | \$26.00 | | Application for water service connection fee is also applicable. | |
| 10 | Standpipe Hire | | | Meter Only (20mm) | \$88.00 |
| | Security Bond (25mm) | \$317.00 | | Short Service – 20mm | \$534.00 |
| | Security Bond (63mm) | \$610.00 | | Long Service – 20mm | \$534.00 |
| 11 | Standpipe Hire | | | Short Service – 25mm | \$648.00 |
| | Annual Fee | As per water service charge | | Long Service – 25mm | \$648.00 |
| | Quarterly Fee | based on meter size | | Short Service – 40mm | \$1,218.00 |
| | Monthly Fee (or part thereof) | | | Long Service – 40mm | \$1,619.00 |
| 12 | Standpipe Water Usage Fee (All usage) | As per standard water usage charges per kilolitre | | Short Service – 50mm | \$1,738.00 |
| | | | | Long Service – 50mm | \$2,143.00 |
| 13 | Backflow Prevention Device Application and Registration Fee | \$53.00 | | Larger Service – provision of live main connection only | \$102.50 per hour for the first hour or part thereof, then \$25.50 per 15 minutes or part thereof. |
| | This fee is for the initial registration of the backflow device | | 20 | Relocate Existing Services | |
| 14 | Major Works Inspection Fee | | | Short – 20mm | \$260.00 |
| | This fee is for the inspection, for the purpose of approval, of water and sewer mains, constructed by others that are longer than 25 metres and/or greater than 2 metres in depth | | | Long – 20mm | \$405.00 |
| | Water Mains (\$ per metre) | \$4.60 | | Larger services – provision of live main connection only: | By Quote |
| | Gravity Sewer Mains (\$ per metre) | \$6.15 | 21 | Alteration from Dual Service to Single Service | |
| | Rising Sewer Mains (\$ per metre) | \$4.60 | | 20mm service only | \$311.00 |
| 15 | Statement of Available Pressure Flow | \$112.00 | 22 | Sewerage Drainage Arrestor | |
| | This fee covers all levels whether modelling is required or not | | | Approval | \$84.00 |
| 16 | Plumbing and Drainage Inspection | | | Annual Inspection | \$25.50 |
| | Residential single dwelling, villas & units | \$136.40 | 23 | Sewerage Junction Cut-in (150mm) | |
| | Caravan Parks and Mobile Homes | \$68.75 | | No excavation, no concrete encasement removal, no sideline, junction within property. Excavation provided by customer | \$253.00 (incl GST) |
| | Commercial/Industrial | \$136.40 plus \$36.00 per w/c | 24 | Sewerage Junction Cut-in (150mm) with sideline less than 3m | |
| | Alterations | \$68.75 | | No excavation, no concrete encasement removal, junction outside property. Excavation provided by customer. | \$265.00 (incl GST) |
| | Additional Inspections (all charges are inclusive of GST) | \$50.60 | 25 | Sewerage Junction Cut-in (225mm) | |
| 17 | Billings Record Search – Further Back than 5 Years | \$15 for first 15 minutes or part thereof, then \$10 per 15 minutes or part thereof, thereafter. | | No excavation, no concrete encasement removal, no sideline, junction within property. Excavation provided by customer. | \$592.00 (incl GST) |
| 18 | Relocate Existing Stop Valve or Hydrant | \$102.50 per hour for the first hour or part thereof, then \$25.50 per 15 minutes or part thereof, thereafter. | 26 | Sewerage Junction Cut-in (225mm) with sideline less than 3m | |
| | | | | No excavation, no concrete encasement removal, junction outside property. Excavation provided by customer. | \$625.00 (incl GST) |
| | | | 27 | Sewerage Junction Cut-in Greater than 225mm or where excavation or removal of concrete encasement required by Council | \$102.50 per hour for the first hour or part thereof, then \$25.50 per 15 minutes or part thereof, thereafter (incl GST) |

| | | | | |
|----|--|---|---|------------------|
| 28 | Sewer Main Encasement with Concrete | | On 60GSM Paper | |
| | Encasement inspection fee | \$85.50 | B1 size | \$28.40 per plot |
| | | (incl GST) | A1 size | \$18.30 per plot |
| | Construction by Council | By Quotation | A2 size | \$16.00 per plot |
| | | + 10% GST | A3 size | \$16.00 per plot |
| | | | A4 size | \$16.00 per plot |
| 29 | Sewer Advance Scheme – Administration Charge | \$203.00 | K YATES, General Manager, PO Box 20, Wyong NSW 2259. [1387] | |
| 30 | Raise and Lower Sewer Manholes | | | |
| | Raise manhole greater than 300mm | \$85.50 | | |
| | Price listed is the manhole adjustment inspection fee. | | | |
| | Charges for actual physical adjustment are by quote. | | | |
| 31 | Council Assist in Physical Location | \$67.65 per | | |
| | Contractor to provide all plant required to expose asset | hour for first hour or part thereof, then \$16.50 per 15 minutes or part thereof; thereafter (incl GST) | | |
| 32 | Council Physical Location | \$112.75 per | | |
| | Council to provide all plant and labour to expose asset | hour for first hour or part thereof, then \$28.05 per 15 minutes or part thereof; thereafter (incl GST) | | |
| 33 | Water Sample Analysis for Water Quality Testing Private Supplies | \$62.50 (incl GST) | | |
| 34 | Rise/Lower/Adjust existing service | | | |
| | 20mm (no materials) | \$103.00 | | |
| | Larger Services | By Quote | | |
| 35 | Disconnection of Existing Service | \$101.00 | | |
| 36 | Time Based Fees | | | |
| | For works requested by outside organisations for Council to undertake: | | | |
| | Professional services | \$114.95 per hour (incl GST) | | |
| | Technical/inspection services | \$69.00 per hour (incl GST) | | |
| 37 | Plan Plotting | | | |
| | On Film | | | |
| | B1 size | \$46.70 per plot | | |
| | A1 size | \$28.40 per plot | | |
| | A2 size | \$23.00 per plot | | |
| | A3 size | \$23.00 per plot | | |
| | A4 size | \$23.00 per plot | | |
| | On Vellum | | | |
| | B1 size | \$40.00 per plot | | |
| | A1 size | \$28.40 per plot | | |
| | A2 size | \$18.30 per plot | | |
| | A3 size | \$18.30 per plot | | |
| | A4 size | \$18.30 per plot | | |

BROKEN HILL CITY COUNCIL

Sale of Land for Overdue Rates

Local Government Act 1993 – Section 713 to 726

NOTICE is hereby given to the persons named hereunder that the Broken Hill City Council has resolved in pursuance of section 715 of the Local Government Act 1993, to sell the land described hereunder, of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates and charges stated in each case as at 31 May 2005 is due:

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|--|---|--|---|--------------|
| (A) | (B) | (C) \$ | (D) \$ | (E) \$ |
| McGUINNESS Michael Stuart McGUINNESS Judith Anne T92451 Mortgage to Commonwealth Bank of Australia I512887 Mortgage to Commonwealth Bank of Australia | A1020-7 – 22 Pinnacles Road Volume 13685 Folio 37 FI 37/258288 Dimensions – 39.20m x 92.00m Area – 3,606m ² Business Land | 5,309.02 | 11,724.27 | 17,033.29 |
| BOMMER Don | A1638-6 – Ryan Lane Volume 15459 Folio 214 FI 1/373929 Dimensions – 13.87m x 58.90m Area – 777m ² Vacant Land | 2,601.45 | 2,951.08 | 5,552.53 |
| GUSLING Arthur (Estate) | A1687-3 – 699 Beryl Street FI 3121/757298 WLL 11555 Dimensions – 17.07m x 39.62m Area – 670m ² House | 1,821.09 | 3,654.79 | 5,475.88 |
| GROSE Bert Charles | A2587-4 – 113 Burke Street Volume 4356 Folio 42 FI Part 326/757298 Dimensions – 15.24m x 59.44m Area – 904.2m ² House | 2,670.48 | 3,751.93 | 6,422.41 |
| DELBRIDGE Ian Anthony | A2720-1 – 397/401 Chapple Lane FI 1/930860 1/125938 1/337331 Dimensions – 30.47m x 44.68m Area – 1361m ² Vacant Land | 189.71 | 3,098.20 | 3,287.91 |
| DART Ernest Walter | A2988-4 – 539 Chapple Street Volume 1511 Folio 71 FI 1/923894 Dimensions – 10.36m x 48.77m Area – 506m ² Vacant Land | 657.28 | 3,883.56 | 4,540.84 |
| FAR WESTERN HOLDINGS PTY LTD | A3340-7 – 276 Clarke Street Volume 11603 Folio 110 FI 3/240745 Dimensions – 20.12m x 43.72/43.74m IRR Area – 878.9m ² Vacant Land | 0.00 | 2,912.37 | 2,912.37 |
| COMEADOW Doreen Melva (Estate) V797480 Mortgage to Westpac Banking Corporation | A3520-4 – 457 Iodide Lane Volume 2867 Folio 18 FI 7/975259 Dimensions – 18.44m x 30.78/30.79m IRR Area – 566.6m ² Vacant Land | 1,428.25 | 3,325.90 | 4,754.15 |

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|--|---|--|---|--------------|
| (A) | (B) | (C) | (D) | (E) |
| | | \$ | \$ | \$ |
| JOVIC Scott Roy (Estate) | A3107-0 – 758a Chapple Street FI 6425/769283 WLL 6183 Area – 826m ² House | 420.47 | 3,121.26 | 3,541.73 |
| FAR WESTERN HOLDINGS PTY LTD | A3735-8 – 112 Creedon Street Volume 2328 Folio 5 Volume 14025 Folio 151 FI 1/126472 and FI 1041/650388 Dimensions – 93.39m x 34.04m IRR Area – 3952m ² Vacant Land | 1,356.90 | 4,694.85 | 6,051.75 |
| SHAKOUSH Paul (Estate) | A4532-8 – 54 Gaffney Lane Volume 2393 Folio 200 FI 1/955996 Dimensions – 17.07m x 54.86m Area – 1012m ² Vacant Land | 64.30 | 2,219.88 | 2,284.18 |
| LEESON Alan Ross | A4563-3 – 83 Gaffney Street FI 1/317207 Dimensions – 17.03m x 106.83m Area – 1819m ² Vacant Land | 410.00 | 3,301.78 | 3,711.78 |
| SMITH Darryn John Z323750 Mortgage to State Bank of New South Wales | A4617-7 – 157 Gaffney Street Volume 1780 Folio 147 FI 3279/757298 Dimensions – 10.36m x 37.64m Area – 380m ² House | 3,713.66 | 3,819.95 | 7,533.61 |
| WOOLOOMA PTY LTD | A4877-7 – 183 Hall Street Volume 14736 Folio 223 FI C/376639 Dimensions – 34.93m x 33.30m Area – 1004m ² Vacant Land | 1,208.40 | 4,456.52 | 5,664.92 |
| M S MCGUINNESS NOMINEES PTY LTD | A4886-8 – 216 Hall Street FI 2/237559 Dimensions – 19.30m x 40.89m Area – 658m ² House | 1,261.76 | 4,086.76 | 5,348.52 |
| JONES Judith Ann (Estate) | A5047-6 – 217 Hebbard Street Volume 11501 Folio 108 FI 2/546046 Dimensions – 10.44m x 50.29m Area – 506m ² Vacant Land | 1,819.99 | 2,902.49 | 4,722.48 |
| PLUSH Jeff Ronald | A5984-0 – 464 Lane Street Volume 8317 Folio 121 FI B/421094 Dimensions – 7.85m x 32.31m Area – 234m ² House | 2,334.34 | 4,322.97 | 6,657.31 |

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|--|--|--|---|--------------|
| (A) | (B) | (C) | (D) | (E) |
| | | \$ | \$ | \$ |
| HOCKING Shirley Amelia (Estate) | A6046-7 – 552 Lane Street Volume 3737 Folio 145 FI 3/177577 Dimensions – 9.14m x 23.47m Area – 209m ² House | 1,736.51 | 4,397.58 | 6,134.09 |
| JONES Tracey | A6070-7 – 628 Lane Street Volume 1644 Folio 188 FI 1/725192 & FI 1/925509 Dimensions – 15.54m x 43.89m Area – 670m ² House | 2,701.79 | 4,162.48 | 6,864.27 |
| NAGAS Rhys | A6569-8 – 87 Morgan Lane FI A/395750 Dimensions – 20.12m x 49.68m Area – 999m ² Vacant Land | 2,462.85 | 3,724.68 | 6,187.53 |
| JONES Mark Richard WILLCOCKSON Jodie Anne | A6577-1 – 96 Morgan Lane Volume 11718 Folio 76 FI 2/551800 Dimensions – 18.29m x 57.00m Area – 1037m ² Vacant Land | 239.69 | 2,764.52 | 3,004.21 |
| WILLIS Stephen Paul (Estate) | A6591-2 – 237 Morgan Lane Volume 7187 Folio 150 Volume 3761 Folio 231 FI 2/912837 & FI B/312290 Dimensions – 40.23m x 50.29m Area – 2023m ² House | 1,300.16 | 4,838.27 | 6,138.43 |
| ADAMS Melanie Ann | A6697-7 – 55 Morgan Street FI 4266/757298 WLL 6105 Dimensions – 20.12m x 45.72m Area – 878.9m ² House | 2,344.53 | 5,867.84 | 8,212.37 |
| VALE Eileen Ann (Estate) | A6919-5 – 234 Morish Street FI 17/9/758018 WLL 7805 Dimensions – 20.12m x 50.29m Area – 1012m ² Vacant Land | 1,145.56 | 3,007.06 | 4,152.62 |
| COFF Darryl James GARNER Ivy Elizabeth Jane | A7245-4 – 68 Nicholls Street Volume 2593 Folio 201 FI 3/950376 Dimensions – 14.33m x 31.39m Area – 449m ² House | 2,697.85 | 4,565.02 | 7,262.87 |
| BRETT Kevin Thomas | A7727-1 – 331 Patton Street FI B/330705 Dimensions – 10.06m x 50.29m Area – 506m ² Vacant Land | 112.21 | 2,720.29 | 2,832.50 |

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|---|--|--|---|--------------|
| (A) | (B) | (C) | (D) | (E) |
| | | \$ | \$ | \$ |
| LEESON Alan Ross | A7800-6 – 328 Patton Street FI 20/37/758018 Dimensions – 20.12m x 50.29m Area – 1012m ² Vacant Land | 459.00 | 3,036.92 | 3,495.92 |
| LANNSTROM Alan (Estate) | A7806-3 – 120 Pell Lane FI 1907/757298 WLL 6454 Dimensions – 17.96m x 42.14m Area – 756.8m ² House | 2,265.22 | 3,307.34 | 5,572.56 |
| VUGICH Thomas Victor (Estate) | A8089-5 – 349 Piper Street FI 8/41/758018 WLL 12151 Dimensions – 20.12m x 50.29m Area – 1012m ² House | 3,929.92 | 5,396.08 | 9,326.00 |
| SNOW Allan James SNOW Lynette May Y360977 Caveat by AVCO Financial Services LTD | A8118-2 – 436 Piper Street Volume 8072 Folio 185 FI 15/51/758018 Dimensions – 20.12m x 50.29m Area – 1012m ² Vacant Land | 926.76 | 2,238.30 | 3,165.06 |
| JOHNSON William Robert | A8375-8 – 215 Rowe Street Volume 6078 Folio 15 FI 2/364966 Dimensions – 10.06m x 50.29m Area – 506m ² Vacant Land | 628.17 | 2,508.49 | 3,136.66 |
| McGRATH Peter | A8456-6 – 48 Ryan Street Volume 7136 Folio 121 FI B/402691 Dimensions – 18.54m x 52.78m Area – 987m ² House | 1,020.37 | 1,856.72 | 2,877.09 |
| BENNETT Marie Therese | A8599-3 – 477 Schlapp Street FI 2089/757298 Area – 4047m ² House | 831.15 | 4,681.26 | 5,512.41 |
| MANUEL Donna Marie | A9358-3 – 337 Williams Lane Volume 4912 Folio 218 FI 79/336455 Dimensions – 20.12m x 50.29m Area – 1012m ² Vacant Land | 2,021.39 | 3,608.19 | 5,629.58 |
| McINNES Frances Maria (Estate) | A9492-0 – 140 Williams Street Volume 2932 Folio 90 FI 3/962663 Dimensions – 9.91m x 35.05m Area – 342m ² Vacant Land | 2,012.70 | 3,602.52 | 5,615.22 |
| BROWN Karen Michelle U848466 Mortgage to St George Bank Limited 9489928 Caveat by Legal Services Commission of South Australia | A9566-1 – 338 Williams Street Volume 3401 Folio 147 FI 3/305347 Dimensions – 8.00m x 65.30m Area – 506m ² House | 977.18 | 2,563.12 | 3,540.30 |

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|--|--|--|---|--------------|
| (A) | (B) | (C) | (D) | (E) |
| | | \$ | \$ | \$ |
| EDWARDS Alfred (Estate) | A10357-2 – 573 Wolfram Street Volume 1140 Folio 128 FI 1/915634 Dimensions – 20.75m x 25.20m Area – 525m ² Vacant Land | 158.22 | 4,171.83 | 4,330.05 |
| ROBERTS William Edwin (Estate) | A11062-7 – 726 Horsington Street Volume 8478 Folio 190 FI 5811/757298 Dimensions – 21.10m x 38.65m Area – 809m ² Vacant Land | 2,460.61 | 3,996.45 | 6,457.06 |
| McNAUGHTON John | A11355-5 – 373a Brazil Street Volume 1071 Folio 12 FI F/28072 Dimensions – 6.10m x 36.35m Area – 221m ² Vacant Land | 1,915.54 | 3,197.10 | 5,112.64 |
| BAMBLETT Stephen | A11356-3 – 151 Nicholls Street Volume 2140 Folio 221 FI 1/938276 Dimensions – 21.34m x 35.92m Area – 765m ² Vacant Land | 2,144.09 | 3,409.76 | 5,553.85 |
| EASTERBROOK Richard | A11360-5 – Lot 2 DP 724993 Gaffney Lane FI 2/724993 Dimensions – 15.59m x 11.43m Area – 177m ² Vacant Land | 1,353.65 | 2,326.63 | 3,680.28 |
| THOMAS William John | A11374-6 – 236 Chapple Lane Volume 3580 Folio 165 FI B/308949 Dimensions – 10.06m x 45.64m Area – 455m ² House | 1,512.28 | 2,804.51 | 4,316.79 |
| O'BRIEN Christopher | A11400-9 – 347 Hebbard Street Volume 1939 Folio 209 FI 6/53/758018 Dimensions – 20.12m x 50.29m Area – 1012m ² Vacant Land | 1,196.60 | 2,850.18 | 4,046.78 |
| HOSKING Thomas Charles | A11401-7 – 180a Patton Street FI 1/723868 and FI 2/723868 Area – 29.5m ² Business Land | 1,118.93 | 2,562.87 | 3,681.80 |
| GUMMOW William Jnr | A11433-0 – 107 Thomas Lane FI 1/725127 Dimensions – 3.66m x 14.68m Area – 54m ² Vacant Land | 797.92 | 2,153.76 | 2,951.68 |
| GUMMOW William Jnr | A11434-8 – 321 Bromide Street FI 2/725127 Dimensions – 3.05m x 15.24m Area – 47m ² Vacant Land | 844.55 | 2,273.59 | 3,118.14 |

| <i>Owners or Persons Having Interest in the Land</i> | <i>Description of Land</i> | <i>Amount of Rates (including extra charges) overdue for more than 5 years</i> | <i>Amount of all Other Rates (including extra charges) due and in arrears</i> | <i>Total</i> |
|--|---|--|---|--------------|
| (A) | (B) | (C) | (D) | (E) |
| | | \$ | \$ | \$ |
| LINDSAY John | A11445-4 – 111 Mcculloch Street FI 8/935506 Dimensions – 6.09m x 14.60m Area – 89m ² Vacant Land | 593.94 | 2,297.71 | 2,891.65 |
| SPANGLER William Henry | A11447-0 – 323a Lane Street Volume 982 Folio 196 FI 1/119248 Dimensions – 3.05m x 50.29m Area – 153m ² Vacant Land | 666.31 | 2,657.86 | 3,324.17 |
| LOVETT William Wallace | A11448-8 – 25 Harris Street Volume 2286 Folio 189 FI 2/948808 Dimensions – 6.09m x 34.06m Area – 208m ² Vacant Land | 540.15 | 2,103.38 | 2,643.53 |
| ABEL Brian Ralph | A11456-1 – 169 Lane Street Volume 15337 Folio 106 FI A/342015 Dimensions – 9.50m x 50.29m Area – 478m ² Vacant Land | 764.07 | 3,921.07 | 4,685.14 |
| WARREN Percy Hampton A234673 Caveat by the Registrar General | A11536-0 – Lot 2 DP 954513 Oxide Street FI 2/954513 Dimensions – 22.20m x 6.10m Area – 183m ² Vacant Land | 428.02 | 2,052.94 | 2,480.96 |

In default of payment to the Council of the amount stated in column (E) above and any other rates and extra charges becoming due and payable after publication of this notice or an arrangement satisfactory to the Council for payment of all such rates and charges being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by public auction at the Administrative Centre, 240 Blende Street, Broken Hill on Saturday 24 September 2005.

J. M. HALL, General Manager

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of JEAN BRAITHWAITE late of 213/101 Port Hacking Road, Sylvania in the State of New South Wales, who died on 4 April 2005 must send particulars of their claim to the Executor William Harry Matthes and Carolyn Florence Hill care of Simpson & Co, Solicitors, 103A Anzac Parade, Kensington 2033 within one calendar month from publication of this notice. After that time, the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 9 June 2005. SIMPSON & CO, Solicitors, 103A Anzac Parade, Kensington 2033, PO Box 340, Kensington 1465, tel.: 9662 4381. [1374]

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of CHARLES HERBERT HOLMES late of Castlcreag in the State of New South Wales, retired Insurance Manager, who died on 11 March 2005 must send particulars of the claim to the Executors Lois Elaine Holmes and Patricia Margaret Mackey, c.o. of Bennett Stewart & Shirvington, Solicitors, Level 1, 1 York Street, Sydney NSW 2000 within one calendar month from publication of this notice. After that time the Executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have had notice. Probate was granted in New South Wales on 3 June 2005. BENNETT STEWART & SHIRVINGTON, Solicitors, Level 1, 1 York Street, Sydney NSW 2000, tel.: (02) 9247 5563. [1372]

ANY person having any claim upon the estate of WALTER EDWIN BRIGHT late of Caves Beach in the State of New South Wales retired wagon builder, who died on 27 February 2005 must send particulars of their claim to the executors, Rosalyn Lynette Rees and Adrian Edwin Bright, care of Truman Hoyle Lawyers, Level 18/68 Pitt Street Sydney NSW 2000, ref DLS(SR)4388 within one calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 9 June 2005. TRUMAN HOYLE LAWYERS, Level 18/68 Pitt Street Sydney NSW 2000. DX 263 Sydney, tel.: (02) 9232 5588. [1394]

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of CEDRIC HORACE RAPPITT, formerly of Port Macquarie but late of Kingswood, widower, who died on 25 March 2005 must send particulars of the claim to the Executors Robert Coupe and Sheena Margaret Coupe, c.o. of Mervyn Finlay, Thorburn & Marshall, Level 2 "Windeyer Chambers" 225 Macquarie Street, Sydney, DX 796 Sydney, ref: DLT: 219305 within one calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors has notice. Probate No. 108994/05 was granted in New South Wales on 14 June 2005. MERVYN FINLAY, THORBURN & MARSHALL, Level 2 "Windeyer Chambers" 225 Macquarie Street, Sydney, DX 796 Sydney, ref: DLT: 219305, tel.: 9223 6544. [1373]

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of EILEEN MARY SHELLABEAR late of Ettalong in the State of New South Wales, retired who died on 16 April 2005 must send particulars of the claim to the Executor Geoffrey Charles Corah c.o. Peninsula Law, Solicitors of 103-205 Blackwall Road, Woy Woy, within one calendar month from publication of this notice. After that time the assets may be conveyed and distributed, having regard only to the claims which at the time of distribution he has notice. Probate was granted in New South Wales on 10 June 2005. PENINSULA LAW, Solicitors, 103-105 Blackwall Road, Woy Woy (DX 8806, Woy Woy), tel.: (02) 4342 1277. [1390]

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of ALLAN STANLEY DOUGLASS late of Wingham in the State of New South Wales, who died on 11 March 2005 must send particulars of the claim to the Executor and Executrix Alvin Mills and Yvonne Mills c.o. McKerns, 12 Albert Street, Wingham (DX.7021, Taree), within one calendar month from publication of this notice. After that time The Executor Executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees has notice. Probate was granted in New South Wales on 14 June 2005. McKERNS Solicitors, 12 Albert Street, Wingham (DX.7021, Taree), tel.: (02) 6550 0922. [1375]

NOTICE of intended distribution of estate. – Any person having any claim upon the Estate of LAURIE MAY BAKER late of Taree in the State of New South Wales, who died on 24 February 2005 must send particulars of the claim to the Executors Warren George Baker and Ian Arthur Baker C/- of McKerns, 12 Albert Street, Taree (DX.7021, Taree), tel: (02) 6550 0922 within one calendar month from publication of this notice. After that time The Executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees has notice. Probate was granted in New South Wales on 10 June 2005. McKERNS Solicitors, 12 Albert Street, Wingham (DX.7021, Taree), tel.: (02) 6550 0922. [1376]

COMPANY NOTICES

NOTICE convening final meeting of creditors. – ACN 092 276 410 PTY LTD (in liquidation) ACN 092 276 410. – Notice is hereby given pursuant to section 509 of the Corporations Law that the final creditors meeting of the abovenamed company will be held at the office of Lower, Russell & Farr, First Floor, 81 Henry Street, Penrith 21 July 2005 at 10.00 a.m. for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of. Persons claiming to be creditors are required to prove their debt by no later than 4 o'clock of the previous day. In default they will be excluded from the benefit of the dividend. Dated this 21st day of June 2005. STEPHEN HENRY LOWER, Liquidator, Lower, Russell & Farr, Chartered Accountants, First Floor, 81 Henry Street, Penrith, NSW 2751, tel.: 02 4732 3033. [1386]

NOTICE convening final meeting of creditors. – ACN 093 468 547 PTY LTD (in liquidation) ACN 093 468 547. – Notice is hereby given pursuant to section 509 of the Corporations Law that the final creditors meeting of the abovenamed company will be held at the office of Lower, Russell & Farr, First Floor, 81 Henry Street, Penrith 21 July 2005 at 10.00 a.m. for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of. Persons claiming to be creditors are required to prove their debt by no later than 4 o'clock of the previous day. In default they will be excluded from the benefit of the dividend. Dated this 21st day of June 2005. STEPHEN HENRY LOWER, Liquidator, Lower, Russell & Farr, Chartered Accountants, First Floor, 81 Henry Street, Penrith, NSW 2751, tel.: 02 4732 3033. [1385]

NOTICE of voluntary liquidation. – NUSSBAUM FAMILY CO PTY LTD (in liquidation) ACN 000 978 665. – Notice is hereby given pursuant to section 509 (2) of the Corporations Law that the final meeting of the members of the abovenamed company will be held at 11th Floor, 155 Castlereagh Street, Sydney, NSW 2000 on Monday 18 July 2005 at 10.00 a.m. for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been disposed of in the course of the winding up. Dated at Sydney this 17th day of June 2005. R. D. ELLINSON, Liquidator, Selingers, Chartered Accountants, Level 11, 155 Castlereagh Street, Sydney, NSW 2000, tel.: 02 9283 2444. [1377]

NOTICE of voluntary liquidation. – JOVARIV PTY LIMITED (in liquidation) ACN 002 026 986. – Notice is hereby given pursuant to section 491(2) of the Corporations Law that at a meeting of members of the abovenamed company held on 30 May 2005 the following special and ordinary resolutions respectively were passed: “That the Company be wound up as a members voluntary liquidation and that the assets of the Company may be distributed in whole or in part to the members in specie should the Liquidator so desire” and “That Brent Antony Perkins be appointed Liquidator of the company”. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidators within 28 days of this date, otherwise distributions of the assets will take place without regard to such claims. Dated this 15th day of June 2005. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre NSW 2310, tel.: 02 4923 4000. [1378]

NOTICE of voluntary liquidation. – TIGRIS PTY LIMITED (in voluntary liquidation) ACN 000 874 920. – Notice is hereby given pursuant to section 491 (2) of the Corporations Law that at an extraordinary general meeting of the abovenamed company duly convened and held on 21 June 2005 the following special resolution was duly passed: Resolved that the company be wound up voluntarily and that Robert Douglas Hillier be appointed liquidator for the purpose of the winding up and that he be authorised to draw as his remuneration his normal hourly charges in respect hereto. D. DIMITROPOULOS, Director, R. D. Hillier & Co, Chartered Accountants, 332-338 Military Road, PO Box 28, Cremorne, NSW 2090, tel.: 02 9953 7877. [1383]

NOTICE of voluntary liquidation. – FROVILLE PTY LIMITED (in voluntary liquidation) ACN 002 325 162. – Notice is hereby given pursuant to the Corporations Law that at a general meeting of members of the abovenamed company held at Level 2 Tindale Street, Penrith on 15 June 2005 the following resolution was passed: “That the Company be wound up as a members voluntary liquidation and that the assets of the Company be distributed to the members in specie should the Liquidator so desire and that Robert Bates be appointed Liquidator”. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidator within 21 days of this date, otherwise distributions of the assets will take place without regard to such claims. Dated this 21st day of June 2005. ROBERT GEORGE BATES, Liquidator, Cassy Bates, Chartered Accountants, Level 6, 20 Smith Street, PO Box 3373, Parramatta NSW 2124, tel.: 02 8591 1155. [1389]

NOTICE of voluntary liquidation. – KATHY BOWLER REAL ESTATE PTY LIMITED (in voluntary liquidation) ACN 002 069 057. – Notice is hereby given pursuant to the Corporations Law that at a general meeting of members of the abovenamed company held at 2 Cliff Avenue, Avoca Beach on 21 June 2005 the following resolution was passed: “That the Company be wound up as a members voluntary liquidation and that the assets of the Company be distributed to the members in specie should the Liquidator so desire and that Robert Bates be appointed Liquidator”. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidator within 21 days of this date, otherwise distributions of the assets will take place without regard to such claims. Dated this 21st day of June 2005. ROBERT GEORGE BATES, Liquidator, Cassy Bates, Chartered Accountants, Level 6, 20 Smith Street, PO Box 3373, Parramatta NSW 2124, tel.: 02 8591 1155. [1388]

OTHER NOTICES

Form 2.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Registration Certificate No. 149

IN accordance with the provisions of Part V of the above Act the Merrylands Regional Church of Christ at Merrylands having complied with the requirements of the said Act and made application for registration under the said Act and such application having been duly approved by the Churches of Christ Property Trust it is hereby certified that the said Church of Christ has been registered under the above Act as a church entitled to the benefits of the said Act. Dated at Sydney this twentieth day of June 2005. PETER DIXON, Registrar.

[1379]

Form 4.

**CHURCHES OF CHRIST IN NEW SOUTH WALES
INCORPORATION ACT, 1947.**

Registration of Trustees. Certificate No. 167

IN accordance with the provisions of Part V of the above Act the Merrylands Regional Church of Christ at Merrylands having made application for the registration of the Churches of Christ Property Trust as Church Trustee under section 27 of the said Act and having done all things necessary for such registration it is hereby certified that the Church Trustee of the said Church of Christ as from the date of this certificate is the Churches of Christ Property Trust. Dated at Marrickville this twentieth day of June 2005. PETER DIXON, Registrar.

[1380]

Form 4.

**CHURCHES OF CHRIST IN NEW SOUTH WALES
INCORPORATION ACT, 1947.**

Registration of Trustees. Certificate No. 166

IN accordance with the provisions of Part V of the above Act the Church of Christ at Wyoming having made application for the registration of the Churches of Christ Property Trust as Church Trustee under section 27 of the said Act and having done all things necessary for such registration it is hereby certified that the Church Trustee of the said Church of Christ as from the date of this certificate is the Churches of Christ Property Trust. Dated at Marrickville this twentieth day of June 2005. PETER DIXON, Registrar.

[1382]

Form 2.

**CHURCHES OF CHRIST IN NEW SOUTH WALES
INCORPORATION ACT, 1947.**

Registration Certificate No. 148

IN accordance with the provisions of Part V of the above Act the Church of Christ at Wyoming having complied with the requirements of the said Act and made application for registration under the said Act and such application having been duly approved by the Churches of Christ Property Trust it is hereby certified that the said Church of Christ has been registered under the above Act as a church entitled to the benefits of the said Act. Dated at Sydney this twentieth day of June 2005. PETER DIXON, Registrar.

[1381]

 Authorised to be printed

ROBERT J. GALLAGHER, Government Printer.

ISSN 0155-6320