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OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Proclamation



New South Wales

## Proclamation

under the

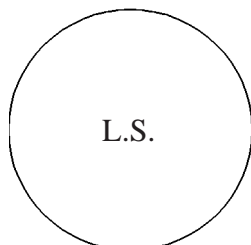
Education Legislation Amendment (Staff) Act 2006 No 24

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Education Legislation Amendment (Staff) Act 2006*, do, by this my Proclamation, appoint 4 August 2006 as the day on which that Act commences.

Signed and sealed at Sydney, this 2nd day of August 2006.

By Her Excellency's Command,



L.S.

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

GOD SAVE THE QUEEN!

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# Regulations

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New South Wales

## Education (School Administrative and Support Staff) Amendment (Transitional) Regulation 2006

under the

Education (School Administrative and Support Staff) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education (School Administrative and Support Staff) Act 1987*.

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

### Explanatory note

The *Education Legislation Amendment (Staff) Act 2006 (the amending Act)* makes a number of amendments to the *Education (School Administrative and Support Staff) Act 1987 (the Principal Act)* and the *Education (School Administrative and Support Staff) Regulation 2003 (the Principal Regulation)* to provide for a new legislative framework dealing with the management of conduct and performance of school administrative and support staff employed on a permanent basis under the Principal Act. The provisions of the Principal Regulation that are repealed by the amending Act include those provisions that allow breaches of discipline to be dealt with by way of monitoring procedures. In accordance with the transitional arrangements made by the amending Act, an existing breach of discipline may continue to be dealt with under the new management of conduct and performance framework.

The object of this Regulation is to make it clear that anything done, or in the process of being done (for example, investigations, interviews or remedial programs that have not been completed), under the existing monitoring procedures in relation to a breach of discipline is taken to have been done, or be in the process of being done, for the purposes of dealing with the matter under the new management of conduct and performance framework, and accordingly does not need to be repeated.

This Regulation also makes it clear that the provisions of the Principal Regulation repealed by the amending Act that deal with charges for breaches of discipline that have not been finally determined will continue to apply in relation to those disciplinary charges.

This Regulation is made under the *Education (School Administrative and Support Staff) Act 1987*, including section 38 (the general regulation-making power) and clause 1 of Schedule 1.

Clause 1 Education (School Administrative and Support Staff) Amendment  
(Transitional) Regulation 2006

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## **Education (School Administrative and Support Staff) Amendment (Transitional) Regulation 2006**

under the

Education (School Administrative and Support Staff) Act 1987

### **1 Name of Regulation**

This Regulation is the *Education (School Administrative and Support Staff) Amendment (Transitional) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 4 August 2006.

### **3 Amendment of Education (School Administrative and Support Staff) Regulation 2003**

The *Education (School Administrative and Support Staff) Regulation 2003* is amended as set out in Schedule 1.

Education (School Administrative and Support Staff) Amendment  
(Transitional) Regulation 2006

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 9A

Insert after clause 9:

#### 9A Transitional provisions—existing disciplinary charges and monitoring procedures

- (1) The purpose of this clause is to make further provision consequent on the enactment of the *Education Legislation Amendment (Staff) Act 2006* (***the amending Act***).
- (2) **Existing disciplinary charges**  
For the avoidance of doubt, any regulation made for the purposes of Part 6 of the Act (as in force immediately before the substitution of that Part by the amending Act) continues to apply to a breach of discipline to which clause 4 of Schedule 1 to the Act applies.
- (3) **Existing monitoring procedures**  
Anything done (or in the process of being done) for the purposes of dealing with a breach of discipline to which clause 5 of Schedule 1 to the Act applies is taken to have been done (or in the process of being done) for the purposes of dealing with the breach of discipline as if it were an allegation of misconduct made under Part 6 of the Act (as substituted by the amending Act) in respect of which the Director-General decides to take remedial action.



New South Wales

## Native Vegetation Amendment (Miscellaneous) Regulation 2006

under the

Native Vegetation Act 2003

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

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

### Explanatory note

The objects of this Regulation are as follows:

- (a) to include certain land in the Tamworth Regional, Uralla, Warrumbungle and Liverpool Plains local government areas as land that is included in the definition of *western coastal region* under the *Native Vegetation Regulation 2005*,
- (b) to give effect to the Minister for Natural Resources' amendment to the *Environmental Outcomes Assessment Methodology*,
- (c) to extend the period of time by which property agreements made under the repealed *Native Vegetation Conservation Act 1997* can be registered on title,
- (d) to make other minor and consequential amendments to the *Native Vegetation Regulation 2005*.

This Regulation is made under the *Native Vegetation Act 2003*, including section 51 (the general regulation-making power).

Clause 1 Native Vegetation Amendment (Miscellaneous) Regulation 2006

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## **Native Vegetation Amendment (Miscellaneous) Regulation 2006**

under the

Native Vegetation Act 2003

### **1 Name of Regulation**

This Regulation is the *Native Vegetation Amendment (Miscellaneous) Regulation 2006*.

### **2 Amendment of Native Vegetation Regulation 2005**

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

Native Vegetation Amendment (Miscellaneous) Regulation 2006

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 3 Definitions**

Insert “Tamworth Regional, Uralla, Warrumbungle, Liverpool Plains” after “Walcha,” in the definition of *western coastal region* in clause 3 (1).

**[2] Clause 16 Obtaining construction timber**

Omit “*Fisheries Management Act 1974*” from clause 16 (3) (b).

Insert instead “*Fisheries Management Act 1994*”.

**[3] Clause 16 (3), note**

Omit the note.

**[4] Clause 21 Maintenance of public utilities—electricity transmission**

Omit the following from the Table to the clause:

up to 11 kV	5 metres
above 11 kV up to and including 33 kV	12.5 metres
above 33 kV up to and including 66 kV	15 metres

Insert instead:

not more than 11 kV	10 metres
above 11 kV up to 33 kV	12.5 metres
33 kV up to and including 66 kV	15 metres

**[5] Clause 24 Adoption of Minister’s Assessment Methodology**

Insert “, as amended by publication in the Gazette on 21 July 2006” after “2005” in the definition of *Assessment Methodology* in clause 24 (2).

**[6] Clause 37 Property agreements under former Act**

Omit “6 months” from clause 37 (2). Insert instead “15 months”.



New South Wales

# Rail Safety (Drug and Alcohol Testing) Amendment (Samples) Regulation 2006

under the

Rail Safety Act 2002

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

JOHN WATKINS, M.P.,  
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Rail Safety (Drug and Alcohol Testing) Regulation 2003* to change the way that urine samples are dealt with for the purposes of testing for alcohol or other drugs. The new provisions ensure that urine will undergo initial testing and confirmatory testing for the presence of a drug or drugs in urine in accordance with AS/NZS 4308:2001, *Procedures for the collection, detection and quantitation of drugs of abuse in urine*.

This Regulation also provides for:

- (a) the authorisation and functions of testing officers, and
- (b) the provision of information relating to drug and alcohol testing activities by operators of rail services.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (the general regulation-making power) and clause 2 of Schedule 1 to the Act.



Clause 1 Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

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## **Rail Safety (Drug and Alcohol Testing) Amendment (Samples) Regulation 2006**

under the

Rail Safety Act 2002

### **1 Name of Regulation**

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Amendment (Samples) Regulation 2006*.

### **2 Amendment of Rail Safety (Drug and Alcohol Testing) Regulation 2003**

The *Rail Safety (Drug and Alcohol Testing) Regulation 2003* is amended as set out in Schedule 1.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *analyst* from clause 3 (1). Insert instead:

*analyst* means a person employed by the owner or operator of an approved laboratory as an analyst.

### [2] Clause 3 (1), definition of “approved laboratory”

Omit the definition. Insert instead:

*approved laboratory* means:

- (a) in relation to blood samples—the laboratory at Lidcombe of the Division of Analytical Laboratories, ICPMR, Western Sydney Area Health Service, and
- (b) in relation to urine samples—a laboratory that has been accredited by the National Association of Testing Authorities, Australia for the purposes of AS/NZS 4308:2001.

### [3] Clause 3 (1), definition of “ASNZ 4308”

Omit the definition. Insert instead:

*AS/NZS 4308:2001* means Australian/New Zealand Standard AS/NZS 4308:2001, *Procedures for the collection, detection and quantitation of drugs of abuse in urine*.

### [4] Clause 3 (1), definition of “authorised officer”

Omit the definition.

### [5] Clause 3 (1), definitions of “breath analysing instrument”, “breath analysis” and “breath test”

Omit the definitions. Insert in alphabetical order:

*breath analysing instrument* and *breath analysis* have the same meanings as they have in the *Road Transport (Safety and Traffic Management) Act 1999*.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

Schedule 1 Amendments

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[6] **Clause 3 (1)**

Insert in alphabetical order:

*breath test* means a test for the purpose of indicating the concentration of alcohol in a person's blood, carried out on that person's breath by means of a device, not being a breath analysing instrument, of a type that complies with the requirements of AS 3547—1997, *Breath alcohol testing devices for personal use*.

*on-site drug screening device* means a device which determines the presence or absence of drugs in urine using an immunoassay technique that meets the initial test cut-off levels listed in Table 1 of AS/NZS 4308:2001.

*prescribed incident* means any of the following that occur on railway premises:

- (a) a collision between trains,
- (b) a collision between a train and a person,
- (c) a collision between a train and a road vehicle or plant equipment,
- (d) the derailment of a train,
- (e) a breach of the rail infrastructure owner's safeworking rules,
- (f) such other incident that the ITSRR may, by notice in writing to the operator of a railway, declare to be a type of prescribed incident in respect of that railway.

*testing officer* means:

- (a) a person authorised for the time being under clause 4 as a testing officer, or
- (b) an authorised officer.

[7] **Clause 4**

Omit the clause. Insert instead:

**4 Authorisation of testing officers**

- (1) The ITSRR may, by notice in writing, authorise any person to be a testing officer for the purposes of exercising functions under this Regulation.
- (2) An operator of a railway may, by notice in writing, authorise any person to be a testing officer for the purposes of exercising functions under this Regulation.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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- (3) The operator of a railway or the ITSRR may authorise as a testing officer:
    - (a) a person by name, or
    - (b) the holder from time to time of an office by reference to the title of the office concerned.
  - (4) The authority of a testing officer authorised under this clause is limited:
    - (a) by any conditions or other limitations specified in the relevant notice of authorisation, and
    - (b) in the case of a testing officer authorised by the operator of a railway—to the railway specified in the accreditation of the operator.
  - (5) The operator of a railway must furnish a testing officer authorised by the operator with a certificate of authorisation as a testing officer.
  - (6) The ITSRR must furnish a testing officer authorised by the ITSRR with a certificate of authorisation as a testing officer.
  - (7) A testing officer must, if requested to do so, produce the certificate of authorisation to any person required by the officer to submit to a breath test or to do any other thing under this Regulation.
  - (8) If a person is authorised as a testing officer by virtue of being the holder of an office, evidence that the testing officer holds the office concerned has the same effect as the production of a certificate of authorisation as a testing officer.
  - (9) The ITSRR may, by notice in writing to the operator of a railway, revoke the authorisation of a person authorised as a testing officer by the operator.
  - (10) The ITSRR may, by notice in writing, revoke the authorisation of a person authorised as a testing officer by the ITSRR.
  - (11) The operator of a railway may, by notice in writing, revoke the authorisation of a person authorised as a testing officer by the operator.

**[8] Clause 8 Random and targeted testing of railway employees**

Omit “An authorised officer” from clause 8 (1).

Insert instead “A testing officer”.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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**[9] Clause 8 (3)**

Omit the subclause. Insert instead:

- (3) A railway employee may be:
  - (a) breath tested or required to undergo breath analysis whether or not there is any suspicion that the employee has recently consumed alcohol, or
  - (b) required to provide a urine sample whether or not there is any suspicion that the employee has recently taken drugs.

**[10] Clause 8 (5)**

Insert “or the result of any such testing or analysis performed on a sample of the employee’s urine” before “may”.

**[11] Clause 9 Testing of railway employees in specified situations**

Omit “An authorised officer” from clause 9 (1).

Insert instead “A testing officer”.

**[12] Clause 10 Assessment of sobriety if breath testing device not available**

Omit “an authorised officer” from clause 10 (1) (a).

Insert instead “a testing officer”.

**[13] Clause 11 Breath analysis of railway employees following breath testing**

Omit “an authorised officer” and “the authorised officer” wherever occurring in clause 11 (1), (3)–(5).

Insert instead “a testing officer” and “the testing officer” respectively.

**[14] Clause 11 (2) and (2A)**

Omit subclause (2). Insert instead:

- (2) If a police officer is entitled to require a railway employee to submit to a breath analysis, the officer may:
  - (a) arrest the employee without a warrant, and
  - (b) take the employee with such force as may be necessary to a police station or such other place as the officer considers desirable and there detain the employee for the purposes of the breath analysis.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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(2A) If a testing officer is entitled to require a railway employee to submit to a breath analysis, the officer may direct the employee to attend the nearest police station, or such other place as the officer may reasonably require, and there submit to a breath analysis.

**[15] Clause 12 Blood or urine samples taken at hospitals from railway employees involved in accidents in carrying out railway safety work**

Omit “an authorised officer” from clause 12 (1).

Insert instead “a testing officer”.

**[16] Clause 12 (3)**

Omit “authorised officer”. Insert instead “testing officer”.

**[17] Clause 13 Additional circumstances when blood or urine samples may be taken**

Omit “An authorised officer” wherever occurring in clause 13 (1) and (2).

Insert instead “A testing officer”.

**[18] Clause 14 Taking of blood or urine samples**

Omit “an authorised officer” from clause 14 (1).

Insert instead “a testing officer”.

**[19] Clause 14 (5)**

Omit “the authorised officer”. Insert instead “the testing officer”.

**[20] Clause 14 (6) and (7)**

Omit subclause (6). Insert instead:

(6) If a police officer is entitled to require a railway employee to provide a sample of blood, the officer may:

- (a) arrest the employee without a warrant, and
- (b) take the employee with such force as may be necessary to a hospital and there detain the employee for the purpose of obtaining the sample.

(7) If a testing officer is entitled to require a railway employee to provide a sample of blood, the officer may direct the employee to attend the nearest hospital for the purpose of obtaining the sample.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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- [21] Clause 15 Restrictions on requiring breath test, assessment, breath analysis or sample**  
Omit “An authorised officer”. Insert instead “A testing officer”.
- [22] Clause 16 Action to be taken with respect to blood samples**  
Omit “authorised officer” from clause 16 (2).  
Insert instead “testing officer”.
- [23] Clause 16 (2) (b)**  
Omit “the laboratory at Lidcombe of the Division of Analytical Laboratories, ICPMR, Western Sydney Area Health Service,”.  
Insert instead “an approved laboratory”.
- [24] Clause 17**  
Omit the clause. Insert instead:
- 17 Action to be taken with respect to urine samples**
- (1) If a testing officer or police officer requires a railway employee to provide a sample of urine, the sample must be collected in accordance with section 3 of AS/NZS 4308:2001.
  - (2) The testing officer or police officer who required the employee to provide a sample must arrange for the sample to be submitted for initial testing.
  - (3) Initial testing may be carried out:
    - (a) at the place where the sample was taken, using an on-site drug screening device, or
    - (b) by an analyst at an approved laboratory, in accordance with section 4 of AS/NZS 4308:2001.
  - (4) A sample that is submitted for initial testing or confirmatory analysis at an approved laboratory is to be transported in accordance with section 3 of AS/NZS 4308:2001.
  - (5) If initial testing of the sample indicates that the urine contains a drug or drugs:
    - (a) in the case of an initial test conducted in accordance with subclause (3) (a)—the testing officer or police officer who required the employee to provide the sample must arrange for the sample to be submitted to an analyst at an approved laboratory for confirmatory analysis in accordance with clause 18, or

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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- (b) in the case of an initial test conducted in accordance with subclause (3) (b)—the analyst is to conduct a confirmatory analysis in accordance with clause 18.
  - (6) If a confirmatory analysis is carried out on a urine sample, the person from whom the sample was taken may, within 12 months after the taking of the sample, apply to the laboratory at which the sample is being kept for a portion of the sample to be sent for analysis, at the person's own expense, to an approved laboratory nominated by the person.
  - (7) Samples are to be stored in accordance with section 3 of AS/NZS 4308:2001.

**[25] Clause 18 Analysis of samples**

Omit clause 18 (1).

**[26] Clause 18 (2)**

Omit "or urine" wherever occurring.

**[27] Clause 18 (2)**

Omit "or 17".

**[28] Clause 18 (3)–(6)**

Omit subclauses (3) and (4). Insert instead:

- (3) An analyst to whom a sample of urine is submitted for analysis under clause 17 may carry out a confirmatory analysis of the sample, or a portion of the sample, to determine whether the urine contains a drug or drugs. The confirmatory analysis must be carried out, and a report provided, in accordance with sections 5 and 6 of AS/NZS 4308:2001.
- (4) A confirmatory analysis under subclause (3) may be carried out only if initial testing determines that the urine contains a drug or drugs.
- (5) For the purpose of sections 3 and 4 of AS/NZS 4308:2001 as it applies under this Regulation, initial testing done in accordance with clause 17 (3) (a) is taken to have been performed in the same approved laboratory as subsequent confirmatory analysis of the sample under subclause (3).



Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

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- (6) Without limiting subclause (3), the ITSRR may, generally or in a particular case or class of cases, direct that an analysis is to be carried out in order to determine whether there is present in a sample a drug specified in Schedule 1 to the *Drug Misuse and Trafficking Act 1985*.

**[29] Clause 19 Medical practitioners, nurses and testing officers—protection from liability**

Omit “an authorised officer” from clause 19 (1) (b).

Insert instead “a testing officer”.

**[30] Clause 19 (2)**

Insert at the end of clause 19:

- (2) No civil or criminal liability is incurred by a testing officer in respect of anything properly and necessarily done by the officer in the course of administering a breath test or breath analysis, conducting an assessment of sobriety or taking a sample of urine in the exercise of the functions of a testing officer under this Regulation.

**[31] Clause 20A**

Insert after clause 20:

**20A Failure to conduct test**

An operator of a railway must not, without reasonable excuse, fail to ensure that a railway employee is required:

- (a) to undergo a breath test and, if it appears to the testing officer as a result of the breath test that the prescribed concentration of alcohol may be present in the employee’s blood, a breath analysis, or
- (b) to provide a sample of blood or urine, within 3 hours immediately after the employee is involved, or is reasonably suspected of being involved, in a prescribed incident while carrying out railway safety work.

Maximum penalty: 250 penalty units.

**[32] Clause 24 Certificate evidence of concentration of alcohol in blood determined by breath analysis**

Omit “an authorised officer” from clause 24 (1) and (3).

Insert instead “a testing officer”.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

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- [33] Clause 25 Certificate evidence of concentration of alcohol in blood determined by analysis of blood sample**  
Omit “an authorised officer” from clause 25 (4).  
Insert instead “a testing officer”.
- [34] Clause 25 (5) (f)**  
Omit the paragraph. Insert instead:  
(f) that the analyst was, at the time of the analysis, employed by the owner or operator of an approved laboratory as an analyst,
- [35] Clause 26 Certificate evidence of presence of drugs**  
Omit “an authorised officer” from clause 26 (4).  
Insert instead “a testing officer”.
- [36] Clause 26 (4) (b)**  
Insert “(or testing and analysis)” after “submitted for analysis”.
- [37] Clause 26 (5) (a)**  
Insert “(or testing and analysis)” after “submitted for analysis”.
- [38] Clause 26 (5) (f)**  
Omit the paragraph. Insert instead:  
(f) that the analyst was, at the time of the analysis, employed by the owner or operator of an approved laboratory as an analyst,
- [39] Clause 26 (7)**  
Omit “, unless the court is satisfied that the analysis was not arranged in contravention of clause 18 (1).”.
- [40] Clause 27 Certificate evidence of authorisation of testing officer**  
Omit “an authorised officer”. Insert instead “a testing officer”.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
Regulation 2006

Schedule 1 Amendments

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**[41] Clauses 29 and 30**

Insert after clause 28:

**29 Notification of drug and alcohol testing**

- (1) An operator of a railway is to notify the ITSRR, in a form approved by the ITSRR, of the following:
  - (a) any analysis of blood confirming the presence of a drug (other than alcohol) in the blood of an employee,
  - (b) any analysis of blood confirming that the prescribed concentration of alcohol is present in the employee's blood,
  - (c) any analysis of urine confirming the presence of a drug in the urine of an employee,
  - (d) any breath test confirming that the prescribed concentration of alcohol is present in the employee's blood,
  - (e) any breath analysis confirming that the prescribed concentration of alcohol is present in the employee's blood,
  - (f) any employee who, when required to do so under this Regulation, fails to undergo a breath test, undergo a breath analysis, or provide a sample of blood or urine,
  - (g) any incident or suspected incident involving the interference or tampering with, or the destruction of, a sample of a person's blood or urine provided or taken under this Regulation in contravention of this Regulation,
  - (h) any incident or suspected incident involving something being done in contravention of this Regulation to introduce, or alter the concentration of, alcohol or any other drug in a railway employee's blood or urine before the employee submitted to a breath analysis or provided a sample of blood or urine under this Regulation.

**Note.** Clause 3 of this Regulation provides that drug includes alcohol.

- (2) An operator of a railway is to provide the ITSRR with statistical reports relating to the conduct of drug and alcohol testing at such times as requested by the ITSRR, in the form provided by the ITSRR for that purpose.

Rail Safety (Drug and Alcohol Testing) Amendment (Samples)  
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Schedule 1

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**30 Savings and transitional**

- (1) Any person who, immediately before the commencement of the *Rail Safety (Drug and Alcohol Testing) Amendment (Samples) Regulation 2006*, was authorised under clause 4 (as in force immediately before the commencement of that Regulation) to exercise the functions of an authorised officer under this Regulation, is taken (on that commencement) to have been authorised as a testing officer under clause 4.
- (2) This Regulation, as in force immediately before the commencement of the *Rail Safety (Drug and Alcohol Testing) Amendment (Samples) Regulation 2006*, continues to apply in respect of any sample of urine or blood collected before that commencement.



New South Wales

# Teaching Service Amendment (Transitional) Regulation 2006

under the

Teaching Service Act 1980

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Teaching Service Act 1980*.

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

## Explanatory note

The *Education Legislation Amendment (Staff) Act 2006* (**the amending Act**) makes a number of amendments to the *Teaching Service Act 1980* and the *Teaching Service Regulation 2001* (**the Principal Regulation**) to provide for a new legislative framework dealing with the management of conduct and performance of officers in the Teaching Service. The provisions of the Principal Regulation that are repealed by the amending Act include those provisions that allow breaches of discipline to be dealt with by way of monitoring procedures. In accordance with the transitional arrangements made by the amending Act, an existing breach of discipline may continue to be dealt with under the new management of conduct and performance framework.

The object of this Regulation is to make it clear that anything done, or in the process of being done (for example, investigations, interviews or remedial programs that have not been completed), under the existing monitoring procedures in relation to a breach of discipline is taken to have been done, or be in the process of being done, for the purposes of dealing with the matter under the new management of conduct and performance framework, and accordingly does not need to be repeated.

This Regulation also makes it clear that the provisions of the Principal Regulation repealed by the amending Act that deal with charges for breaches of discipline that have not been finally determined will continue to apply in relation to those disciplinary charges.

This Regulation is made under the *Teaching Service Act 1980*, including section 99 (the general regulation-making power) and clause 2 of Schedule 3.

Clause 1          Teaching Service Amendment (Transitional) Regulation 2006

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## **Teaching Service Amendment (Transitional) Regulation 2006**

under the

Teaching Service Act 1980

### **1 Name of Regulation**

This Regulation is the *Teaching Service Amendment (Transitional) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 4 August 2006.

### **3 Amendment of Teaching Service Regulation 2001**

The *Teaching Service Regulation 2001* is amended as set out in Schedule 1.

Teaching Service Amendment (Transitional) Regulation 2006

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 4A

Insert after clause 4:

#### 4A Transitional provisions—existing disciplinary charges and monitoring procedures

- (1) The purpose of this clause is to make further provision consequent on the enactment of the *Education Legislation Amendment (Staff) Act 2006* (**the amending Act**).
- (2) **Existing disciplinary charges**  
For the avoidance of doubt, any regulation made for the purposes of Division 6 of Part 4 of the Act (as in force immediately before the repeal of that Division by the amending Act) continues to apply to a breach of discipline to which clause 19 of Schedule 3 to the Act applies.
- (3) **Existing monitoring procedures**  
Anything done (or in the process of being done) for the purposes of dealing with a breach of discipline to which clause 20 of Schedule 3 to the Act applies is taken to have been done (or in the process of being done) for the purposes of dealing with the breach of discipline as if it were an allegation of misconduct made under Part 4A of the Act in respect of which the Director-General decides to take remedial action.



New South Wales

# Uncollected Goods Regulation 2006

under the

Uncollected Goods Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Uncollected Goods Act 1995*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to replace the *Uncollected Goods Regulation 2001*. That Regulation will be repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

Section 6 (2) of the *Uncollected Goods Act 1995* provides that the Act is available as an alternative to other statutory means of disposal of particular uncollected goods except for the Acts specified in the subsection and any other Act or instrument prescribed by the regulations. Clause 4 of this Regulation prescribes certain Acts for the purposes of that subsection.

Unlike the *Uncollected Goods Regulation 2001*, this Regulation does not prescribe the form for an application by a bailee to a Local Court for an order authorising the bailee to dispose of uncollected goods. The relevant form is prescribed under the *Local Courts Act 1982*. However, this Regulation does make provision with respect to the completion of the relevant form for the purposes of such an application (clause 5).

Clauses 1–3 of this Regulation contain formal matters. Clause 6 is a savings provision.

This Regulation is made under the *Uncollected Goods Act 1995* and, in particular, under sections 6 (When Act available for disposal of uncollected goods), 8 (Applications to Local Court for orders for disposal of uncollected goods) and 38 (the general regulation-making power).

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



Uncollected Goods Regulation 2006

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Uncollected Goods Regulation 2006

Clause 1

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## Uncollected Goods Regulation 2006

under the

Uncollected Goods Act 1995

### 1 Name of Regulation

This Regulation is the *Uncollected Goods Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

**Note.** This Regulation replaces the *Uncollected Goods Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Uncollected Goods Act 1995*.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Act not available as an alternative to certain Acts: section 6

For the purposes of section 6 (2) of the Act, the following Acts are prescribed:

*Holiday Parks (Long-term Casual Occupation) Act 2002*

*Passenger Transport Act 1990*

*Residential Parks Act 1998*

*Residential Tenancies Act 1987*

*Retirement Villages Act 1999*

*Transport Administration Act 1988*

*Warehousemen's Liens Act 1935*

Clause 5            Uncollected Goods Regulation 2006

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**5 Applications to Local Court for orders for disposal of uncollected goods:  
section 8**

An application under section 8 (1) of the Act for an order authorising a bailee to dispose of uncollected goods must nominate:

- (a) the bailor of the goods (that is, the person entitled to custody of the goods) as the respondent, and
- (b) any other person claiming an interest in the goods (such as an owner of the goods) as an additional party.

**Note.** The form in which the application is to be made is prescribed under section 40 of the *Local Courts Act 1982*. For the procedure relating to the application, see Part 6 of that Act (which contains section 40).

**6 Saving**

Any act, matter or thing that had effect under the *Uncollected Goods Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

# OFFICIAL NOTICES

## Appointments

### NSW WINE INDUSTRY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

#### Appointment of Member

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, hereby appoint the following person as a member of the NSW Wine Industry Research and Development Advisory Council for a term commencing from the date hereof for a period of three years.

Neil PERRY.

Dated this 6th day of July 2006.

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

### ROYAL BOTANIC GARDENS AND DOMAIN TRUST ACT 1980

#### Re-appointment

#### Royal Botanic Gardens and Domain Trust

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 6 of the Royal Botanic Gardens and Domain trust Act 1980, has approved the appointment of Mr Michael SAMARAS as a member of the Royal Botanic Gardens and Domain Trust from 25 June 2006 to 25 June 2010.

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

### SYDNEY CRICKET AND SPORTS GROUND ACT 1978

#### Appointment of Trustees

#### Elected by Members of Sydney Cricket Ground

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 6(1)(b) of the Sydney Cricket and Sports Ground Act 1978, has appointed the persons listed below as members of the Sydney Cricket and Sports Ground Trust for a term commencing on 14 July 2006 and terminating on 13 July 2010.

Department of Arts, Sport and Recreation  
Ken CATCHPOLE, OAM; and  
Geoff LAWSON, OAM.

SANDRA NORI, M.P.,  
Minister for Tourism and Sport and Recreation,  
Minister for Women and  
Minister Assisting the Minister for State Development

## Department of Lands

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

### GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases of the lands specified in the following Schedule have been granted to the undermentioned persons.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1 April of each year.

The Conditions and Reservations annexed to the leases are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

All amounts due and payable to the Crown MUST be paid to the Department of Lands by the due date.

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

### SCHEDULE

*Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla; County – Finch.*

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio Identifier	Area	Term of Lease	
						From	To
WLL 14654	Michael STEINER	9	1073508	9/1073508	2469m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14430	Hans Jorgen JENSEN and Nora Mary JENSEN, as Joint Tenants	82	1057617	82/1057617	2505m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14406	Gary Thomas COOK	5	1057617	5/1057617	1685 m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14458	Miriam Margaret PLANE	55	1066289	55/1066289	2467m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14656	Jeffrey Edward MACK	140	1076808	140/1076808	2518m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14471	Dennis Wallace HALL	94	1057617	94/1057617	2096m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14663	Craig Raymond THOMAS	69	1066289	69/1066289	2508m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14680	Edward Terence HUNT	125	1073508	125/1073508	2539m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14602	Norman BARNES	55	1076808	55/1076808	2273m <sup>2</sup>	31 July 2006	30 July 2026
WLL 14575	Glennis Davina CANLIN and Ronald CANLIN	36	1076808	36/1076808	2500m <sup>2</sup>	7 July-2006	6 July 2026

### ALTERATION OF PURPOSE OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose of the undermentioned Western Lands Lease have been altered as shown.

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

*Administrative District – Hillston North;  
Shire – Carrathool;  
Parish – Baeda; County – Franklin.*

The purpose of Western Lands Leases 3027 and 5475, being the lands contained within Folio Identifiers 2897/765057 and 3223/765428 have been altered from “Grazing” to “Grazing and Cultivation” effective from 2 August 2006.

As a consequence of the alteration of purpose rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions previously annexed to Western Lands Leases 3027 and 5475 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO  
WESTERN LANDS LEASE 3027

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
- (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.  
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
  - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
  - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Grazing and Cultivation
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or

having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.

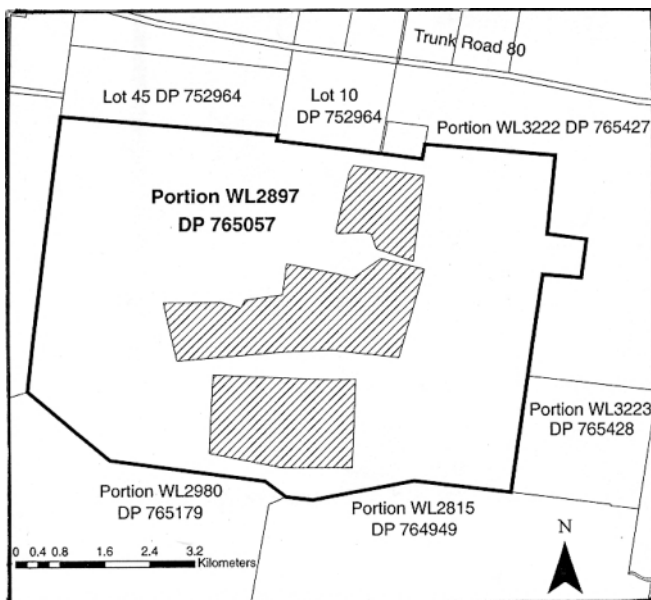
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local government area
- (17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (18) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (19) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (20) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (21) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (22) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (23) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (24) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (25) The lessee shall comply with requirements of section 18DB of the Western Lands Act 1901 which provides that, except in the circumstances referred to in subsection (4) of that section, any native vegetation on the land the subject of the lease, and any part of the land that is protected land, must not be cleared except in accordance with the Native Vegetation Act 2003.
- (26) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under subsection (6) is complied with.
- (27) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (except noxious plants and those "woody weeds" specified in Clause 28(1) and parts 9 and 13 in Schedule 4 of the Regulations) on the following parts of the land leased:
  - (a) between the banks of, and within strips at least 20 metres wide along each bank of, any creek or defined watercourse;
  - (b) within strips at least 30 metres wide on each side of the centre line of any depression, the sides of which have slopes in excess of 1 (vertically) in 4 (horizontally), that is, approximately 14 degrees;
  - (c) where the slopes are steeper than 1 (vertically) in 3 (horizontally), that is, approximately 18 degrees;
  - (d) within strips not less than 60 metres wide along the tops of any ranges and main ridges;
  - (e) not in contravention of section 21CA of the Soil Conservation Act 1938.
- (28) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark,

In addition to the foregoing requirements of this condition, the lessee shall preserve on so much of the land leased as is not the subject of a clearing licence (where possible, in well distributed clumps or strips) not less than an average of 30 established trees per hectare, together with any other timber, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Commissioner to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.



- kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless a clearing licence has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (29) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (30) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (31) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (32) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (33) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (34) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (35) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (36) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (37) The lessee shall only cultivate an area of 920 hectares indicated on the diagram hereunder.
- (38) The lessee must ensure that for any crop, pre-sowing cultivation shall not be carried out in the year prior to sowing or in January or February in the year the crop is to be sown unless specific approval is obtained from the Western Lands Commissioner.
- (39) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner.
- (40) Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.
- (41) The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- (42) Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.
- (43) Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted, stubble burning is to be carried out as per requirements of the NSW Rural Fire Service.
- (44) Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.
- Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment and Conservation.
- If an Aboriginal site is found in this area, the subject of this consent, the cultivation must cease until the consent holder has notified the Department of Environment and Conservation of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environment and Conservation, Phone (02) 6883 5324 or at 58-62 Wingewarra Street, Dubbo.
- (45) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (46) The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
- (47) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.





CONDITIONS AND RESERVATIONS ATTACHED TO  
WESTERN LANDS LEASE 5475

- (1) In the conditions annexed to the lease, the expression "the Minister" means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression "the Commissioner" means the Commissioner charged with the administration of the Western Lands Act 1901 ("the Act") in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty's Heirs and Successors and the Minister.  
(b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder's use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.  
(c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.  
(d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.  
"GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.  
(b) Notwithstanding any other provision of this Agreement:
  - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
  - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Grazing and Cultivation.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon

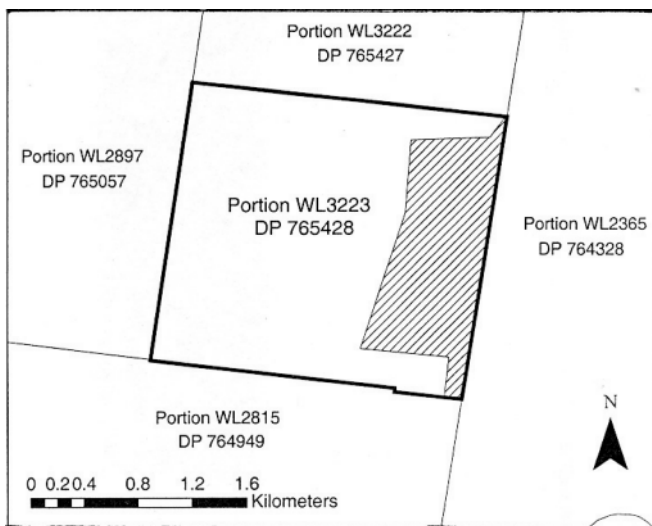
- the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local government area
- (17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (18) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (19) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (20) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (21) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (22) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (23) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (24) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (25) The lessee shall comply with requirements of section 18DB of the Western Lands Act 1901 which provides that, except in the circumstances referred to in subsection (4) of that section, any native vegetation on the land the subject of the lease, and any part of the land that is protected land, must not be cleared except in accordance with the Native Vegetation Act 2003.
- (26) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under subsection (6) is complied with.
- (27) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (except noxious plants and those "woody weeds" specified in Clause 28(1) and parts 9 and 13 in Schedule 4 of the Regulations) on the following parts of the land leased:
- between the banks of, and within strips at least 20 metres wide along each bank of, any creek or defined watercourse;
  - within strips at least 30 metres wide on each side of the centre line of any depression, the sides of which have slopes in excess of 1 (vertically) in 4 (horizontally), that is, approximately 14 degrees;
  - where the slopes are steeper than 1 (vertically) in 3 (horizontally), that is, approximately 18 degrees;
  - within strips not less than 60 metres wide along the tops of any ranges and main ridges;
  - not in contravention of section 21CA of the Soil Conservation Act 1938.

In addition to the foregoing requirements of this condition, the lessee shall preserve on so much of the land leased as is not the subject of a clearing licence

- (where possible, in well distributed clumps or strips) not less than an average of 30 established trees per hectare, together with any other timber, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Commissioner to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.
- (28) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless a clearing licence has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (29) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (30) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (31) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (32) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (33) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (34) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (35) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (36) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (37) The lessee shall only conduct irrigated cultivation within the area of 95 hectares indicated by hatching on the diagram hereunder. Any other cultivation outside this area will only be allowable with the consent of the Commissioner or the Minister.
- (38) The lessee shall not clear any native vegetation or remove any timber within the area shown hatched on the diagram hereunder unless written approval has been granted by the Lachlan Catchment Management Authority.
- (39) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997, particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
- (40) The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- (41) Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.
- (42) Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.
- Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment and Conservation.
- If an Aboriginal site is found in this area, the subject of this consent, the activity must cease until the consent holder has notified the Department of Environment and Conservation of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environment and Conservation, Phone (02) 6883 5324 or at 58-62 Wingewarra Street, Dubbo.
- (43) Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted and stubble burning is carried out with the approval as per requirements of the NSW Rural Fire Services.



- (44) The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
- (45) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (46) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Services.
- (47) Irrigation water is not to be permanently transferred from the lease without the prior permission of the Western Lands Commissioner.
- (48) The lessee must ensure that if cotton is to be grown, only a maximum of two cotton crops can be grown on any one area in any six consecutive years. During other years the area may be fallowed or sown to pasture, fodder or grain crops.



### RESERVATION OF CROWN LAND

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

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

#### SCHEDULE

COLUMN 1	COLUMN 2
Land District: Broken Hill.	Reserve No.: 1011928.
Local Government Area: Broken Hill City Council.	Public Purpose: Public recreation and urban services.
Locality: Broken Hill.	
Lot 7234, DP No. 757298, Parish Picton, County Yancowinna.	
Area: 1.502 hectares.	
File No.: WL91 R 5/1.	

Note: Reserve 89195 for public recreation is revoked by this notification.

### 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
Mulga Creek Catchment Wetland Reserve Trust.	Reserve No.: 1011928. Public Purpose: Public recreation and urban services. Notified: This day. File No.: WL91 R 5/1.

### 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
Broken Hill City Council.	Mulga Creek Catchment Wetland Reserve Trust.	Reserve No.: 1011928. Public Purpose: Public recreation and urban services. Notified: This day. File No.: WL91 R 5/1.

**MOREE OFFICE**  
**Frome Street (PO Box 388), Moree NSW 2400**  
**Phone: (02) 6752 5055 Fax: (02) 6752 1707**

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

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified in Column 1, 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
Terence John BONE.	Moree Showground Trust.	Reserve No.: 160035. Public Purpose: Showground. Notified: 6 April 1990. Dedication No.: 560029. Public Purpose: Showground. Notified: 14 January 1891. File No.: ME79 R 10.

Term of Office

For a term commencing the date of this notice and expiring 3 February 2007.

**ORANGE OFFICE**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6391 4300 Fax: (02) 6362 3896**

**NOTIFICATION**

Declaration for Hunting on Public Lands

NOTICE is hereby given in accordance with section 20 (declaration of public land available for hunting game), of the Game and Feral Animal Control Act 2002, that the following public lands listed within Schedule 1 are declared available for hunting from the date of this notice to assist in the management and control of game and feral animals.

SCHEDULE 1

Red Hill Crown Land

Lot 228, DP 750970 – Reserve 1011448 for future public requirements, notified 31 March 2006 and adjoining Crown road.

Lot 235, DP 724697 – Reserve 93808 for future public requirements, notified 17 October 1980.

Lot 25, DP 751003 – Reserve 1006783, non notified reserve, Reserve 1011448 for future public requirements, notified 31 March 2006.

Lot 25, DP 751003 – Reserve 1006784, non notified reserve, Reserve 1011448 for future public requirements, notified 31 March 2006.

Lot 229, DP 750970 – Reserve 93807 for future public requirements, notified 17 October 1980.

Unnumbered Crown Land adjoining Lot 225, DP 751003 – Reserve 1011448 for future public requirements, notified 31 March 2006.

*Parish – Adjungbilly/Wyangle;  
 County – Buccleuch; Shire/Zoning – Gundagai.*

The Crown estate within the area covers approximately 125 hectares of reserved Crown Land, 24 kilometres north-east of Tumut on the Wee Jasper Road, under the Control of the Department of Lands. The Crown parcel is surrounded by Red Hill State Forest, under the control of Forests NSW. The land is not developed for any public use, and contains no facilities.

It is intended that game and feral animals on this land may only be hunted by persons who:

- Hold a Restricted NSW Game Hunting Licence issued by the Game Council of NSW under the Game and Feral Animal Control Act 2002, and
- Have written permission pursuant to the Game and Feral Animal Control Regulation 2004, section 1(1) from the Game Council of NSW.

For further information please contact Game Council NSW on (02) 6360 5100 or visit the website [www.gamecouncil.nsw.gov.au](http://www.gamecouncil.nsw.gov.au).

Dated: 4 August 2006.

The Right Honourable TONY KELLY, M.L.C.,  
 Minister for Lands

**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
Alfred QUIGG (new member).	Billimari Public Hall and Recreation Reserve Trust.	Reserve No.: 51431. Public Purpose: Public hall. Notified: 14 April 1916.
		Reserve No.: 50139. Public Purpose: Public recreation. Notified: 26 August 1914. File No.: OE81 R 98/4.

Term of Office

For a term commencing this day and expiring 18 December 2008.

**TAREE OFFICE**  
**102-112 Victoria Street (PO Box 440), Taree NSW 2430**  
**Phone: (02) 6552 2788 Fax: (02) 6552 2816**

**RESERVATION OF CROWN LAND****SCHEDULE 3**

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

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

**SCHEDULE 1****COLUMN 1**

Land District: Kempsey.  
 Local Government Area:  
 Kempsey Shire.  
 Parishes: Beranghi, Kinchela,  
 Arakoon, Clybucca,  
 Barraganyatti and  
 Yarrahapinni.  
 Counties: Dudley and  
 Macquarie.  
 Locality: Crescent Head  
 through to Grassy Head  
 being the Crown Land  
 depicted on the plan of  
 R1011708 held by the  
 Department of Lands.  
 Area: About 31,000 hectares.  
 File No.: TE06 R 20.

**COLUMN 2**

Reserve No. 1011708 for the  
 public purpose of access and  
 public requirements, tourism  
 purposes and environmental  
 and heritage conservation.

Note: Existing reservations under the Crown Lands Act are  
 not revoked.

**SCHEDULE 2****COLUMN 1**

Land District: Kempsey.  
 Local Government Area:  
 Kempsey Shire.  
 Parishes: Palmerston,  
 Beranghi, Torrens.  
 County: Macquarie.  
 Locality: North Shore,  
 Port Macquarie through to  
 Crescent Head being the  
 Crown Land depicted on  
 the plan of R1012028 held  
 by the Department of Lands.  
 Area: About 20,000 hectares.  
 File No.: TE06 R 31.

**COLUMN 2**

Reserve No. 1012028 for the  
 public purpose of access and  
 public requirements, tourism  
 purposes and environmental  
 and heritage conservation.

Note: Existing reservations under the Crown Lands Act are  
 not revoked.

**COLUMN 1**

Land District: Port  
 Macquarie.  
 Local Government Area:  
 Port Macquarie-Hastings.  
 Parishes: Camden Haven,  
 Queens Lake and  
 Macquarie.

**COLUMN 2**

Reserve No. 1012048 for the  
 public purpose of access and  
 public requirements, tourism  
 purposes and environmental  
 and heritage conservation.

County: Macquarie.

Locality: Laurieton through  
 to Port Macquarie being  
 the Crown Land depicted  
 on the plan of R1012048  
 held by the Department of  
 Lands.

Area: About 20,000 hectares.

File No.: TE06 R 32.

Note: Existing reservations under the Crown Lands Act are  
 not revoked.

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## Department of Natural Resources

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### WATER ACT 1912

Notice under Section 20Z

Water Allocation Announcement  
Regulated Bega/Brogo River

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Bega/Brogo regulated river system (being subject to a Volumetric Allocation scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2006/2007 water year of those persons authorised by law to take water from the water source.

By this Order, the Ministerial Corporation being satisfied of the above hereby announces the water allocations under the said scheme for the 2006/2007 water year to be the proportions specified in Schedule 1. This Order shall have effect from the date of publication to 30 June 2007 and supersedes earlier announcements. This Order applies to all entitlements subject to the Volumetric Allocation Scheme other than high security users.

Signed for the Water Administration Ministerial Corporation.

Dated this 4th day of August 2006.

BRIAN GARDOLL,  
A/Director Licensing

#### SCHEDULE 1

- Water allocation for the 2006/07 water-year is 40% of entitlement.

### WATER ACT 1912

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

Roy Stephen HOLLINGS and Susan Dale HOLLINGS for a pump on Viewmont Creek, Lot 3, DP 1098738, Parish Valley Valley, County Raleigh, for irrigation of 3 hectares (18 megalitres) (split of existing license – no increase in authorised area or allocation) (Reference: 30SL066916).

Roy Stephen HOLLINGS and Susan Dale HOLLINGS for a pump on Viewmont Creek, Lot 2, DP 1098738, Parish Valley Valley, County Raleigh, for irrigation of 3 hectares (18 megalitres) (split of existing license – no increase in authorised area or allocation) (Reference: 30SL066917).

Brian Ross PADE and Eileen Anne PADE for a pump on Deep Creek, Lot 2, DP 881651 and Lot 101, DP 825215, Parish Valley Valley, County Raleigh, for irrigation of 8 hectares (48 megalitres) (split of existing license – no increase in authorised area or allocation) (Reference: 30SL066915).

GA2:476215.

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

Department of Natural Resources,  
Locked Bag 10, Grafton NSW 2460.



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## Department of Planning

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New South Wales

# **Blacktown Local Environmental Plan 1988 (Amendment No 213)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00121/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Blacktown Local Environmental Plan 1988 (Amendment No 213)

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## **Blacktown Local Environmental Plan 1988 (Amendment No 213)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 213)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from partly Zones Nos 6 (a) (the Public Recreation Zone), 5 (a) (the Special Uses—General Zone) (Drainage) and 2 (a) (the Residential “A” Zone) to partly Zones Nos 2 (a) (the Residential “A” Zone), 6 (a) (the Public Recreation Zone) and 5 (a) (the Special Uses—General Zone) (Drainage) under *Blacktown Local Environmental Plan 1988*.

### **3 Land to which plan applies**

This plan applies to land located in the vicinity of Beames Avenue and Francis Road, Rooty Hill as shown edged heavy black and lettered “2 (a)”, “5 (a) (Drainage)” or “6 (a)” on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 213)” deposited in the office of the Council of the City of Blacktown.

### **4 Amendment of Blacktown Local Environmental Plan 1988**

*Blacktown Local Environmental Plan 1988* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blacktown Local Environmental Plan 1988 (Amendment No 213)



New South Wales

## **Holroyd Local Environmental Plan 1991 (Amendment No 33)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P00/00055/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Holroyd Local Environmental Plan 1991 (Amendment No 33)

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## **Holroyd Local Environmental Plan 1991 (Amendment No 33)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 33)*.

### **2 Aims of plan**

This plan aims to amend *Holroyd Local Environmental Plan 1991 (the 1991 plan)*:

- (a) to insert a definition of *telecommunications facility*, and
- (b) to permit telecommunications facilities in all zones subject to Holroyd City Council's consent, other than in all residential zones where such facilities are prohibited.

### **3 Land to which plan applies**

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

### **4 Amendment of Holroyd Local Environmental Plan 1991**

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

Holroyd Local Environmental Plan 1991 (Amendment No 33)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

*telecommunications facility* means:

- (a) any part of the infrastructure of a telecommunications network (such as a network being a system, or series of systems, that carries or is capable of carrying, communications by means of guided or unguided electromagnetic energy), or
- (b) any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or intended for use, in or in connection with a telecommunications network,

but does not include:

- (c) a facility used for an activity that a carrier is authorised to do by a facility installation permit issued by the Australian Communications and Media Authority under Division 6 of Part 1 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, or
- (d) a facility determined to be a low-impact facility for the purposes of clause 6 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, or
- (e) a facility which is a temporary facility for use by, or on behalf of, a defence organisation for defence purposes.

### [2] Clause 9 Zone objectives and development control table

Insert "telecommunications facilities;" in alphabetical order in item 4 of the matter relating to Zones Nos 2 (a), 2 (c) and 2 (d) in the Table to the clause.

### [3] Clause 9, Table

Insert "telecommunications facilities;" in alphabetical order in item 3 of the matter relating to Zones Nos 4 (d), 5 (a), 5 (b), 6 (a), 6 (b), 6 (c), 7 (a) and 7 (b).



New South Wales

## **Hurstville Local Environmental Plan 1994 (Amendment No 44)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/02448/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 44)

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## Hurstville Local Environmental Plan 1994 (Amendment No 44)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 44)*.

### 2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993* so as to remove the public reserve status of the land and clearly identify it as not being required by the public for community purposes, and
- (b) to rezone the land from Zone No 6 (a) (the Open Space Zone) to Zone No 3 (a) (the Neighbourhood Business Zone) under *Hurstville Local Environmental Plan 1994 (the 1994 plan)* so that the zoning of the land will be compatible with surrounding land uses, and
- (c) to effect minor law revision in the 1994 plan relating to the classification and reclassification of public land as operational land.

### 3 Land to which plan applies

This plan applies to land situated in the City of Hurstville, being Lot 2, DP 538402 and known as the Ogilvy Street Reserve, Peakhurst, as shown distinctively coloured on Sheet 1 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 44)" deposited in the office of the Council of the City of Hurstville.

### 4 Amendment of Hurstville Local Environmental Plan 1994

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

Hurstville Local Environmental Plan 1994 (Amendment No 44)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

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

Hurstville Local Environmental Plan 1994 (Amendment No 44)—Sheet 1

### [2] Clause 26A Classification and reclassification of public land as operational land

Omit “cited at the end of the description of the land” from clause 26A (5).

Insert instead “that inserted the description of the land into that Part of that Schedule”.

### [3] Schedule 4, heading

Omit the heading to the Schedule. Insert instead:

## Schedule 4 Classification and reclassification of public land as operational land

### [4] Schedule 4, Part 3

Insert in Part 3 of the Schedule in alphabetical order of locality in Columns 1, 2 and 3 respectively:

#### Peakhurst

Ogilvy Street

Lot 2, DP 538402, known as the Ogilvy Street Reserve, as shown edged heavy black on Sheet 2 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 44)”. Nil.





New South Wales

## Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N04/00152/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

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## Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)*.

### 2 Aims of plan

This plan aims:

- (a) to reclassify part of the land to which this plan applies from community land to operational land (within the meaning of the *Local Government Act 1993*), to rezone that land to the Zone 2 (1) Residential Zone under *Lake Macquarie Local Environmental Plan 2004 (the 2004 plan)* and to restrict development on the land to development for the purpose of a children's playground, and
- (b) to reclassify the remaining land from community land to operational land, to rezone that land to the Zone 2 (1) Residential Zone under the 2004 plan and to restrict development on the land to development for the purpose of car parking (and any associated works).

### 3 Land to which plan applies

- (1) In respect of the aim set out in clause 2 (a), this plan applies to part of Lot 63, DP 570307, 1A Water Street, Cardiff South, as shown edged heavy black and lettered "2 (1)" on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)" deposited in the office of the Council of the City of Lake Macquarie.
- (2) In respect of the aim set out in clause 2 (b), this plan applies to part of Lot PT 4, DP 227813, 1A Lawson Road, Macquarie Hills, and Lot 51, DP 790843, 2B Blaxland Road, Macquarie Hills, as shown edged heavy black and lettered "2 (1)" on Sheets 2 and 3, respectively, of that map.

### 4 Amendment of Lake Macquarie Local Environmental Plan 2004

*Lake Macquarie Local Environmental Plan 2004* is amended as set out in Schedule 1.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 42A

Insert after clause 42:

#### 42A Restricted development

Despite any other provision of this plan, the only development permissible on land described in Column 1 of Schedule 11 is development specified for the land in Column 2 of that Schedule.

### [2] Clause 61 Reclassification of community land as operational land

Omit clause 61 (2). Insert instead:

- (2) In accordance with section 30 of the *Local Government Act 1993*, land described in Columns 1 and 2 of Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
- (a) those (if any) specified for the land in Column 3 of Schedule 3, and
  - (b) any reservations that except land out of a Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

### [3] Schedule 3 Reclassification of community land as operational land

Insert:

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
<b>Cardiff South</b>		
1A Water Street	Part of Lot 63, DP 570307, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.

Page 3

## Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

## Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
<b>Macquarie Hills</b>		
2B Blaxland Road	Lot 51, DP 790843, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 51/790843.
1A Lawson Road	Part of Lot PT4, DP 227813, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.

**[4] Schedule 11**

Insert after Schedule 10:

**Schedule 11 Restricted development**

(Clause 42A)

Item No	Column 1	Column 2
1	Land at Cardiff South, being part of Lot 63, DP 570307, 1A Water Street, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Children's playground associated with the adjoining school.
2	Land at Macquarie Hills, being part of Lot PT4, DP 227813 (1A Lawson Road) and Lot 51, DP 790843 (2B Blaxland Road), as shown edged heavy black on Sheets 2 and 3, respectively, of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Car parking (and any associated works, including retaining walls, landscaping and fencing) associated with the adjoining church.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Amendments

Schedule 1

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**[5] Dictionary**

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

Lake Macquarie Local Environmental Plan 2004 (Amendment  
No 3)



## **Leeton Local Environmental Plan No 46**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q04/00054/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Leeton Local Environmental Plan No 46

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## **Leeton Local Environmental Plan No 46**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Leeton Local Environmental Plan No 46*.

### **2 Aims of plan**

This plan aims to allow, with the consent of Leeton Shire Council, the carrying out of development on land within Zone No 4 (a) General Industrial under *Leeton Local Environmental Plan No 4* for the purposes of child care centres, helipads, heliports, places of assembly, places of public worship and showrooms.

### **3 Land to which plan applies**

This plan applies to all land situated in the local government area of Leeton within Zone No 4 (a) General Industrial under *Leeton Local Environmental Plan No 4*.

### **4 Amendment of Leeton Local Environmental Plan No 4**

*Leeton Local Environmental Plan No 4* is amended by omitting “child care centres;”, “helipads;”, “heliports;”, “places of assembly;”, “places of public worship;” and “showrooms;” from Column 5 of the matter relating to Zone No 4 (a) in the Table to clause 8.



New South Wales

## **Maitland Local Environmental Plan 1993 (Amendment No 85)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0005310/S69)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 85)

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## **Maitland Local Environmental Plan 1993 (Amendment No 85)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 85)*.

### **2 Aims of plan**

This plan aims to amend *Maitland Local Environmental Plan 1993* to allow, with the consent of Maitland City Council, the carrying out of development on the land to which this plan applies for the purpose of an educational establishment.

### **3 Land to which plan applies**

This plan applies to land in the City of Maitland, being Lot 4, DP 997875 and Lot 648, DP 1007014, corner of Junction Street and Mount Dee Road, Telarah, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 85)" deposited in the office of Maitland City Council.

### **4 Amendment of Maitland Local Environmental Plan 1993**

*Maitland Local Environmental Plan 1993* is amended by inserting at the end of Schedule 3 the following words:

Lot 4, DP 997875 and Lot 648, DP 1007014, corner of Junction Street and Mount Dee Road, Telarah, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 85)":  
Educational establishment. RZ 05008.



New South Wales

## Ryde Local Environmental Plan No 144

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (9041476/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Ryde Local Environmental Plan No 144

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## Ryde Local Environmental Plan No 144

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Ryde Local Environmental Plan No 144*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Residential "A" to Business (Urban Village) under the *Ryde Planning Scheme Ordinance*.

### 3 Land to which plan applies

This plan applies to land situated in the City of Ryde, being Lot B, DP 414394 and Lots 1 and 2, DP 590509 and known as 3, 5A and 5 Anthony Road, West Ryde, as shown coloured light blue with dark red edging and lettered 3(uv) on the map marked "Ryde Local Environmental Plan No 144" deposited in the office of the Council of the City of Ryde.

### 4 Amendment of Ryde Planning Scheme Ordinance

The *Ryde Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of *scheme map* in clause 3 (1) the following words:

Ryde Local Environmental Plan No 144



New South Wales

## **Shellharbour Local Environmental Plan 2000 (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2000483/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Shellharbour Local Environmental Plan 2000 (Amendment No 6)

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## Shellharbour Local Environmental Plan 2000 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Shellharbour Local Environmental Plan 2000 (Amendment No 6)*.

### 2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land from Zone 2 (a) (the Residential A Zone) to Zone 4 (a3) (the Airport Light Industrial Zone) under *Shellharbour Local Environmental Plan 2000*, and
- (b) to provide for a wider variety of industrial uses to be allowed with development consent in Zone 4 (a3) (the Airport Light Industrial Zone), and
- (c) to prohibit child care centres and hospitals in Zone 4 (a3) (the Airport Light Industrial Zone).

### 3 Land to which plan applies

- (1) To the extent that it implements the aim specified in clause 2 (a), this plan applies to the following land, as shown edged heavy black on the map marked "Shellharbour Local Environmental Plan 2000 (Amendment No 6)" deposited in the office of Shellharbour City Council:
  - (a) Part of Lot 71, DP 664051, Princes Highway, Albion Park Rail,
  - (b) Part of Lot 70, DP 664052, Princes Highway, Albion Park Rail,
  - (c) Lot 69, DP 664053, Princes Highway, Albion Park Rail,
  - (d) Part of Lot 68, DP 11034, Princes Highway, Albion Park Rail,
  - (e) Part of Lot 14, DP 244190, Princes Highway, Albion Park Rail,
  - (f) Lot 5, DP 244190, Princes Highway, Albion Park Rail,
  - (g) Part of Lot 66, DP 11034, Princes Highway, Albion Park Rail,
  - (h) Part of Lot 65, DP 11034, Princes Highway, Albion Park Rail,
  - (i) Part of Lot 64, DP 11034, Princes Highway, Albion Park Rail,

Shellharbour Local Environmental Plan 2000 (Amendment No 6)

Clause 4

- 
- (j) Part of Lot 63, DP 11034, Princes Highway, Albion Park Rail,
  - (k) Part of Lot 1, DP 664054, Princes Highway, Albion Park Rail.
  - (2) To the extent that it implements the aims specified in clause 2 (b) and (c), this plan applies to all land in Zone 4 (a3) (the Airport Light Industrial Zone) under *Shellharbour Local Environmental Plan 2000*.

**4 Amendment of Shellharbour Local Environmental Plan 2000**

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

Shellharbour Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 31 General controls for development—Zone 4 (a3) (the Airport Light Industrial Zone)**

Omit clause 31 (2). Insert instead:

**(2) Objectives of the zone**

- (a) To provide for a wide variety of light industrial uses that are generally compatible with nearby residential neighbourhoods.
- (b) Where appropriate, to encourage the development of industries that are airport-related and, as a result, to diversify the industrial base of Shellharbour in a manner compatible with use of the adjacent Illawarra Regional Airport.

**[2] Clause 31 (5)**

Omit “car repair stations;”. Insert instead “child care centres;”.

**[3] Clause 31 (5)**

Omit “and those providing”. Insert instead “or those providing”.

**[4] Clause 31 (5)**

Insert “hospitals;” after “heliports;”.

**[5] Schedule 1 Definitions**

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

Shellharbour Local Environmental Plan 2000 (Amendment No 6).



New South Wales

## **Willoughby Local Environmental Plan 1995 (Amendment No 62)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (9041911/PC)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 62)

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## **Willoughby Local Environmental Plan 1995 (Amendment No 62)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 62)*.

### **2 Aims of plan**

This plan aims to ensure the appropriate location of brothels within the City of Willoughby in order to prevent the clustering of such premises. This matter was previously deferred from *Willoughby Local Environmental Plan 1995 (Amendment No 54)*.

### **3 Land to which plan applies**

This plan applies to all land in the City of Willoughby.

### **4 Amendment of Willoughby Local Environmental Plan 1995**

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

### **5 Amendment of Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)**

*Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)* is amended as set out in Schedule 2.

Willoughby Local Environmental Plan 1995 (Amendment No 62)

Amendment of Willoughby Local Environmental Plan 1995

Schedule 1

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## **Schedule 1      Amendment of Willoughby Local Environmental Plan 1995**

(Clause 4)

### **Clause 13A Brothels**

Insert after clause 13A (3):

- (4) Development for the purpose of a brothel is prohibited on land to which this plan applies if the premises on which the development is to be carried out are less than 100 metres from any other premises to which consent has been granted to the use of the premises for the purpose of a brothel.
- (5) The distance between premises referred to in subclause (4) is to be measured as the shortest distance between the premises that the development is to be carried out on and the premises to which consent has been granted to the use of the premises for the purpose of a brothel.
- (6) Despite any other provision of this plan, development for the purpose of a brothel is permissible with the consent of the Council on land being Lot 1, DP 719238 (known as 161 Victoria Avenue, Chatswood) and Lot 2, DP 1009275 (known as 350 Penshurst Street, Willoughby).

Willoughby Local Environmental Plan 1995 (Amendment No 62)

Schedule 2      Amendment of Sydney Regional Environmental Plan No 5—(Chatswood  
Town Centre)

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## **Schedule 2      Amendment of Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)**

(Clause 5)

### **Clause 36B Brothels**

Insert after clause 36B (4):

- (5) Development for the purpose of a brothel is prohibited on land to which this plan applies if the premises on which the development is to be carried out are less than 100 metres from any other premises to which consent has been granted to the use of the premises for the purpose of a brothel.
- (6) The distance between premises referred to in subclause (5) is to be measured as the shortest distance between the premises that the development is to be carried out on and the premises to which consent has been granted to the use of the premises for the purpose of a brothel.

## Department of Primary Industries

### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(06-30)

No. 2797, BLOOMFIELD COLLIERIES PTY LTD (ACN 000 106 972), area of 942 hectares, for Group 9, dated 25 July 2006. (Singleton Mining Division).

(06-4095)

No. 2801, BLACK RANGE MINERALS LIMITED (ACN 009 079 047), area of 100 units, for Group 1, dated 28 July 2006. (Sydney Mining Division).

(06-4096)

No. 2802, MINCOR COPPER PTY LTD (ACN 120 024 777), area of 201 units, for Group 1, dated 31 July 2006. (Armidale Mining Division).

(06-4097)

No. 2803, AUZEX RESOURCES LIMITED (ACN 106 444 606), area of 28 units, for Group 1, dated 31 July 2006. (Inverell Mining Division).

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

NOTICE is given that the following applications have been granted:

#### ASSESSMENT LEASE APPLICATION

(04-0753)

Orange No. 32, now Assessment Lease No. 12, GENDERS MINING PTY LTD (ACN 000 094 315), Parish of Airly, County of Roxburgh and Parish of Hearne, County of Roxburgh, area of about 34 square kilometres, for coal, dated 25 July 2006, for a term until 24 July 2011. As a result of the grant of this title, Authorisation No. 170, Authorisation No. 208 and Authorisation No. 321 have ceased to have effect.

#### EXPLORATION LICENCE APPLICATIONS

(06-126)

No. 2703, now Exploration Licence No. 6599, ILUKA RESOURCES LIMITED (ACN 008 675 018), Counties of Arrawatta, Burnett and Stapyilton, Map Sheet (8939, 8940, 9040), area of 484 units, for Group 10, dated 14 July 2006, for a term until 13 July 2008.

(06-150)

No. 2726, now Exploration Licence No. 6601, SILVER MINES LIMITED (ACN 107 452 942), Counties of Clarke and Sandon, Map Sheet (9237), area of 15 units, for Group 1, dated 19 July 2006, for a term until 18 July 2008.

#### MINERAL CLAIM APPLICATIONS

(T02-0036)

Wagga Wagga No. 50, now Mineral Claim No. 314 (Act 1992), Gordon Walton PATERSON, Parish of Parker, County of Caira, area of about 2 hectares, to mine for gypsum, dated 12 July 2006, for a term until 11 July 2011.

(T02-0037)

Wagga Wagga No. 51, now Mineral Claim No. 315 (Act 1992), Lachlan Ian PATERSON, Parish of Parker, County of Caira, area of about 2 hectares, to mine for gypsum, dated 12 July 2006, for a term until 11 July 2011.

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

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

(06-5047)

Authorisation No. 447, SAXONVALE COAL PTY LIMITED (ACN 003 526 467), area of 312.7 hectares. Application for renewal received 28 July 2006.

(T01-0094)

Exploration Licence No. 5855, ALPHADALE PTY LIMITED (ACN 050 409 008), area of 8 units. Application for renewal received 1 August 2006.

(T02-0057)

Exploration Licence No. 5979, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), area of 16 units. Application for renewal received 27 July 2006.

(T02-0024)

Exploration Licence No. 5985, CAPITAL MINING PTY LTD (ACN 104 551 171), area of 30 units. Application for renewal received 26 July 2006.

(T02-0030)

Exploration Licence No. 5987, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), area of 50 units. Application for renewal received 31 July 2006.

(06-5081)

Consolidated Coal Lease No. 713 (Act 1973), MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of 1645 hectares. Application for renewal received 28 July 2006.

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

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(06-2973)

Authorisation No. 441, CENTENNIAL MANNERING PTY LTD (ACN 101 509 120), County of Northumberland, Map Sheet (9231), area of 288 hectares, for a further term until 2 June 2011. Renewal effective on and from 27 July 2006.

(T03-0847)

Exploration Licence No. 6188, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), Counties of Farnell, Mootwingee and Yancowinna, Map Sheet (7234), area of 22 units, for a further term until 3 February 2008. Renewal effective on and from 13 July 2006.

(T04-0013)

Exploration Licence No. 6242, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), Counties of Gough and Hardinge, Map Sheet (9137, 9138), area of 47 units, for a further term until 18 May 2008. Renewal effective on and from 20 July 2006.

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

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**CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS**

NOTICE is given that the following authorities have been cancelled:

(T02-0017)

Exploration Licence No. 5981, PARADIGM NSW PTY LTD (ACN 099 477 979), County of Selwyn and County of Wynyard, Map Sheet (8526), area of 15 units. Cancellation took effect on 19 July 2006.

(T02-0441)

Exploration Licence No. 6078, HERRESHOFF HOLDINGS PTY LTD (ACN 102 346 627), County of Ashburnham, County of Gordon and County of Wellington, Map Sheet (8631, 8632), area of 37 units. Cancellation took effect on 27 June 2006.

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

**TRANSFERS**

(04-2121)

Mining Lease No. 1551 (Act 1992), formerly held by MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) and AMCI (GC) PTY LIMITED (ACN 097 238 349) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) and POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 24 July 2006.

(T01-0454)

Mining Purposes Lease No. 92 (Act 1973), formerly held by Robert ALLEN, Peter GOODMAN and Susan MILLER has been transferred to Steven Brian MCCULLOCH. The transfer was registered on 25 July 2006.

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

# Roads and Traffic Authority

## ROADS TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

BATHURST REGIONAL COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

DAVID SHERLEY,  
General Manager,  
Bathurst Regional Council  
(by delegation from the Minister for Roads)

### SCHEDULE

**1. Citation**

This Notice may be cited as the Bathurst Regional Council B-Doubles Notice No. 2/2006.

**2. Commencement**

This Notice takes effect on the date of Gazettal.

**3. Effect**

This Notice remains in force from 6 August 2006 to 9 August 2006, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles that comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Bathurst Regional Council.

Type	Road No.	Road Name	Starting point	Finishing point
25.	MR54.	Bentinck Street, Bathurst.	Great Western Highway.	Rocket Street.
25.	MR54.	Rocket Street, Bathurst.	Bentinck Street.	Havannah Street.
25.	000.	Havannah Street, Bathurst.	Rocket Street.	Panorama Avenue.

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

Notice of Compulsory Acquisition of Land  
at Riverwood in the Canterbury 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

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SCHEDULE

All that piece or parcel of public road situated in the Canterbury City Council area, Parish of St George and County of Cumberland, shown as Lot 10 Deposited Plan 1014153.

(RTA Papers: FPP 6M2153; RO F5/78.12168)

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

Notice of Compulsory Acquisition of Land  
at Beverly Hills in the Canterbury 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

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SCHEDULE

ALL those pieces or parcels of public road situated in the Canterbury City Council area, Parish of St George and County of Cumberland, shown as Lots 2 and 3 Deposited Plan 1015531.

(RTA Papers: FPP 6M2090; RO F5/78.12169)

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

Notice of Compulsory Acquisition of Land  
at Dunmore in the Shellharbour 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

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SCHEDULE

ALL that piece or parcel of land situated in the Shellharbour City Council area, Parish of Terragong and County of Camden, shown as Lot 302 Deposited Plan 1092270, being part of the land in Certificate of Title 72/837462, excluding from the compulsory acquisition of Lot 302 the Right of Way 8 wide created by Deposited Plan 837462.

The land is said to be in the possession of Paul Vincent Wakim (registered proprietor) and National Australia Bank Limited (mortgagee).

(RTA Papers: FPP 6M362; RO 1/401.1488)



## Other Notices

### ASSOCIATIONS INCORPORATION ACT 1984

Notice under Section 601AC of the Corporations Act 2001 as applied by Section 52 of the Associations Incorporation Act 1984

NOTICE is hereby given that the Incorporated Association mentioned below will be deregistered when three months have passed since the publication of this notice.

National Union of Greek Australian Students NSW Inc (in liquidation).

Dated this 26th day of July 2006.

C. GOWLAND,  
Delegate of the Registrar of Co-operatives

Dated this 31st day of July 2006.

R. O. BLANCH,  
Chief Judge

### ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation pursuant to Section 48(4)(a)

TAKE notice that the Co-operative "Gloucester Pre-School Co-operative Ltd" formerly registered under the provisions of the Co-operatives Act 1992, is now incorporated under the Associations Incorporation Act 1984, as "Gloucester Pre-School Incorporated" effective 27 July 2006.

Dated: 27 July 2006.

KERRI GRANT,  
Delegate of Commissioner,  
Office of Fair Trading

### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name listed hereunder as a geographical name.

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

Proposed Name:	Jack Munday Place.
Designation:	Urban Place.
L.G.A.:	Sydney.
Parish:	St Philip.
County:	Cumberland.
L.P.I. Map:	Parramatta River.
1:100,000 Map:	Sydney 9130.
Reference:	GNB5070.

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
Chairperson

### COPYRIGHT ACT 1968

Notice under Section 10A(4)

THE following Institution within the NSW Department of Education and Training is declared to be an educational institution under section 10 of the Copyright Act 1968:

CENTRE FOR LEARNING INNOVATION, 51 Wentworth Road, Strathfield NSW 2135.

This institution declares that:

- its principal function is the provision of material to educational institutions whose principal function is general education; and
- is for the purpose of helping those institutions in their teaching purposes.

This notice is published in accordance with section 10A(4) of the Act.

ANDREW ROLFE,  
A/General Manager,  
External Relations Policy,  
NSW Department of Education and Training

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

### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board proposes to assign the name:

"Kolety" (pronounced Koletch), as an indigenous dual name for a watercourse about 225 km long, leaving the Murray River about 10 km SE by E of Mathoura and flowing generally N then NW by W then W into the Wakool River about 2 km S of Kyalite which is already named and known as "Edward River". Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

Any person wishing to make comment on this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing with that comment.

The position and extents for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

### DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Bathurst, 10:00 a.m., 28 August 2006 (1 week), (sittings cancelled).

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



**GEOGRAPHICAL NAMES ACT 1966**

## Erratum

IN reference to the notices regarding the assignment of the nine names listed below. The notices were in error and should read as follows:

Duval, Mount Folio 3208, 5 July 1974, should read Mount Duval.

Naman, Mount Folio 7463, 1 September 1978, should read Mount Naman.

Bowning, Mount Folio 4369, 14 November 1975, should read Mount Bowning.

Nelinda, Mount Folio 5670, 2 January 1976, should read Mount Nelinda

Nevell, Mount Folio 6598, 21 July 1978, should read Mount Nevell.

Tooraweenah, Mount Folio 1891, 30 March 1979, should read Mount Tooraweenah.

Surprise, Mount Folio 2750, 11 November 1966, should read Mount Surprise.

Lofty, Mount Folio 6756, 30 September 1988, should read Mount Lofty.

Tumanang, Mount Folio 7863, 24 June 1977, should read Mount Tumanang.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
Chairman

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

**LOCAL GOVERNMENT ACT 1993**Decrease in Number of Councillors  
Coonamble Shire Council

I, KERRY HICKEY, M.P., Minister for Local Government, in pursuance of section 224A of the Local Government Act 1993, do hereby approve of the number of councillors of Coonamble Shire Council being decreased from nine to seven.

Provided:

1. The decrease does not take place until the next ordinary election of the Council in September 2008.
2. The approval for the Council to abolish all wards that was obtained at the constitutional referendum held at the ordinary election of the Council in September 2004, is not changed by a constitutional referendum held before the next ordinary election in September 2008.

A casual vacancy in civic office occurring during the period starting from the date of this approval and before 1 October 2007, must be filled so that the number of three councillors per ward is maintained.

Dated this 24th day of July 2006.

KERRY HICKEY, M.P.,  
Minister for Local Government

**LOCAL GOVERNMENT ACT 1993**

## Moss Vale Sewerage Augmentation

THE Minister for Water 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 Moss Vale Sewerage Augmentation Scheme are vested in Wingecarribee Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

## SCHEDULE

Works of sewerage for the town of Moss Vale and all works incidental thereto.

DoC Reference: S813.

**LOCAL GOVERNMENT ACT 1993**

## Yerong Creek Sewerage

THE Minister for Water 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 Yerong Creek Sewerage Scheme are vested in Lockhart Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

## SCHEDULE

Works of sewerage for the town of Yerong Creek and all works incidental thereto.

DoC Reference: S153.

**LOCAL GOVERNMENT ACT 1993**

## Moruya Sewerage Pump Stations (Minor Works)

THE Minister for Water 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 Moruya Sewerage Pump Stations (Minor Works) Scheme are vested in Eurobodalla Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

## SCHEDULE

Works of sewerage for the town of Moruya comprising four new pump stations, sewer rising main, gravity sewer main, upgrade of three pump stations and all works incidental thereto.

DoC Reference: S989.

**LOCAL GOVERNMENT ACT 1993**

## Lightning Ridge Water Supply Augmentation Stage 2

THE Minister for Water 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 Lightning Ridge Water Supply Augmentation Stage 2 Scheme are vested in Walgett Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

## SCHEDULE

Works of water supply for the town of Lightning Ridge and all works incidental thereto.

DoC Reference: W501.

**LOCAL GOVERNMENT ACT 1993**

## Adaminaby Water Supply Augmentation

THE Minister for Water 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 Adaminaby Water Supply Augmentation Scheme are vested in Snowy River Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

## SCHEDULE

Works of water supply for the town of Adaminaby and all works incidental thereto.

DoC Reference: W779.

**MARITIME SERVICES ACT 1935**

## Notification

## Limitation of Speed of Vessels within certain Navigable Waters

THE Maritime Authority of NSW (trading as NSW Maritime), in pursuance of the provisions of section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette*:

Limits the speed of vessels of the class set out hereunder in the navigable water described in the first column of the Table of Area and Maximum Speed set out hereunder to a speed not exceeding that stated opposite that area in the second column of that Table of Area and Maximum Speed.

Class: All vessels propelled by mechanical means except:

- (a) Vessels engaged in an activity authorised under an Aquatic Licence issued by NSW Maritime under Clause 8 of the Water Traffic Regulations NSW; and;
- (b) Vessels the subject of a written Exemption issued by NSW Maritime.

## TABLE OF AREA AND MAXIMUM SPEED

First Column	Second Column
<p>Manning River (Harrington Back Channel) Area:</p> <p>The navigable waters of that part of the Harrington Back Channel between lines directly across the waterway firstly at its south westernmost junction with the Manning River commencing at a point on the south western extremity of the River Training Wall in a south westerly direction to a point on the opposite shore and a line in the north east commencing from a point on the shore adjacent to the south eastern junction of Wards Creek in a southerly direction to a point on the opposite shore and including all waters of the Canal System known as Harrington Waters and Wards Creek.</p>	Four Knots.

Dated this 26th day of July 2006.

BRETT MOORE,  
A/Chief Executive

**MARITIME SERVICES ACT 1935**

## Revocation of Notification of a Speed Limit Area

## Limitation of Speed of Vessels within certain Navigable Waters

THE Maritime Authority of NSW (trading as NSW Maritime), in pursuance of the provisions of section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette* revoke the notification appearing in *Government Gazette* No. 53 of 6 April 1984, which limits the speed of vessels in the area described as Wallamba River (Nabiac) Area.

Dated this 26th day of July 2006.

BRETT MOORE,  
Acting Chief Executive

**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 14 August 2006, 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: \$2.90.

Distance Rate: \$1.68 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: \$1.50.

Waiting Time: \$43.30 an hour (72.17c a minute) while vehicle speed is less than 25.77 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: \$3.40.

Distance Rate:

Tariff 1 – \$1.73 a kilometre for the first 12 km.

Tariff 2 – \$2.43 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: \$42.75 an hour (71.25c a minute) while vehicle speed is less than 24.71 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.

JIM GLASSON,  
Director-General,  
Ministry of Transport

#### POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 171(1)

Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Bevan Peter GILCHRIST of 690 Fogwells Road, Yorklea NSW 2470, prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This Order is to take effect on and from 28 July 2006.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales,  
Sydney, 25 July 2006.

#### POISONS AND THERAPEUTIC GOODS ACT 1966

Authorisation to Supply Influenza Vaccine and Adrenaline

PURSUANT to Clauses 166 and 167 of the Poisons and Therapeutic Goods Regulation 2002, I, JOHN LUMBY, Chief Pharmacist, a duly appointed delegate of the Director-General of the New South Wales Department of Health, do hereby grant AUTHORITY to ambulance officers, hereby specified as a class of persons, to supply adrenaline and influenza vaccine, pursuant to Clauses 16 and 52 of that Regulation, and subject to the following conditions:

- (1) The ambulance officer is employed by the Ambulance Service of New South Wales; and
- (2) The ambulance officer is approved for the time being by the Ambulance Service of New South Wales to administer influenza vaccine and adrenaline for the purposes of this authority; and
- (3) The storage, pre-vaccination assessment and administration of influenza vaccine and adrenaline by the ambulance officer is at all times undertaken in accordance with a protocol that is approved by the Ambulance Service of New South Wales and in accordance with the procedures specified in the National Health and Medical Research Council's The Australian Immunisation Handbook, as in force from time to time; and
- (4) The ambulance officer administers influenza vaccine and adrenaline only to:
  - (a) staff of the Ambulance Service of New South Wales; or to

- (b) members of the general public only with the express approval of the Chief Health Officer of the New South Wales Department of Health.

JOHN LUMBY,  
Chief Pharmacist

Department of Health, New South Wales,  
Sydney, 26 July 2006.

#### SYDNEY WATER ACT 1994

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Easement at Windang in the Local Government Area of Wollongong

SYDNEY WATER CORPORATION declares, with the approval of His Excellency the Lieutenant Governor, that the interest in land described in the First Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Sydney Water Act 1994.

Dated at Sydney, this 2nd day of April 2006.

Signed for Sydney Water Corporation )  
by its Attorneys Kevin Andrew )  
HANLEY and Ross Roland WYNN ) K. HANLEY  
who hereby state at the time of )  
executing this instrument have no )  
notice of the revocation of the Power )  
of Attorney Registered No. 323, Book ) R. R. WYNN  
4465, under the Authority of which this )  
instrument has been executed.) )

#### SCHEDULE 1

Easement for access purposes more fully described in Memorandum 7158333L, lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney, over all that piece or parcel of land being that part of Lot 2, DP 608749, having an area of 106.5 square metres, in the Local Government Area of Wollongong, Parish of Wollongong, County of Camden and State of New South Wales, being the land shown on Deposited Plan 1050983 as "(A) PROPOSED EASEMENT FOR ACCESS 7.38 & VARIABLE WIDE".

Sydney Water Reference: 551259F.

#### TOTALIZATOR ACT 1997

Notice of Approval

Section 9A – Approved Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9A of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct fixed odds racing betting under the Gambling Regulation Act 2003 (Vic), to be an approved person for the purposes of this section in respect to fixed odds racing betting activities.

This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

#### TOTALIZATOR ACT 1997

Notice of Approval

Section 9A – Approved Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9A of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct fixed odds sports betting under the Gambling Regulation Act 2003 (Vic), to be an approved person for the purposes of this section in respect to fixed odds sports betting activities.

This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

#### TOTALIZATOR ACT 1997

Notice of Approval

Section 9A – Approved Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9A of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct totalizator betting under the Gambling Regulation Act 2003 (Vic), to be an approved person for the purposes of this section in respect to totalizator betting activities.

This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

#### TOTALIZATOR ACT 1997

Notice of Nomination

Section 9B – Nominated Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9B of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct fixed odds racing betting under the Gambling Regulation Act 2003 (Vic), to be a nominated person for the purposes of this section in respect to fixed odds racing betting activities.



This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

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**TOTALIZATOR ACT 1997**

## Notice of Nomination

## Section 9B – Nominated Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9B of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct fixed odds sports betting under the Gambling Regulation Act 2003 (Vic), to be a nominated person for the purposes of this section in respect to fixed odds sports betting activities.

This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

**TOTALIZATOR ACT 1997**

## Notice of Nomination

## Section 9B – Nominated Person

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 9B of the Totalizator Act 1997, by this Notice hereby declare TABCORP HOLDINGS LIMITED (ABN 66 063 780 709), having its registered office at 5 Bowen Crescent, Melbourne Victoria 3004 and being authorised to conduct totalizator betting under the Gambling Regulation Act 2003 (Vic), to be a nominated person for the purposes of this section in respect to totalizator betting activities.

This Notice takes effect from the date of publication in the *NSW Government Gazette* and shall remain in force until so revoked by further notice published in the *NSW Government Gazette*.

Dated at Sydney this 26th day of July 2006.

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

NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) ACT, 2000

**ORDER TO EXCLUDE TWO ACCESS ROADS FROM WOGAMIA NATURE RESERVE AND TO RESERVE ALL OTHER ACCESS ROADS AS PART OF WOGAMIA NATURE RESERVE**

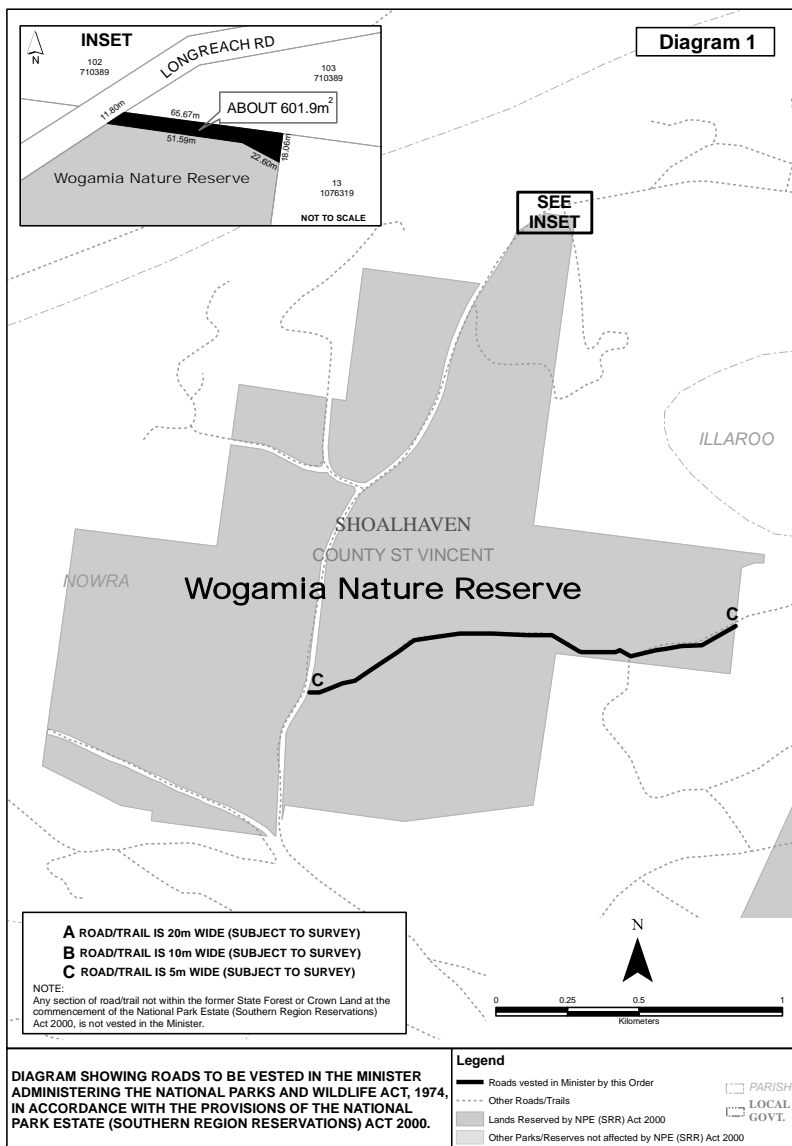
I, Robert Debus, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Southern Region Reservations) Act 2000 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7 (6) (a)&(b):-

1. The access roads described in the Schedule hereunder are excluded from the reservation of Wogamia Nature Reserve and are vested in the Minister administering the National Parks & Wildlife Act 1974.
2. All other access roads not so excluded are reserved as part of Wogamia Nature Reserve.

Bob Debus  
Minister for the Environment

**SCHEDULE**

County of St Vincent, Parish of Nowra, City of Shoalhaven, being the roads shown by heavy black lines in the diagram following:



NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) ACT, 2000

**ORDER TO EXCLUDE AN ACCESS ROAD FROM JERRAWANGALA NATIONAL PARK AND TO RESERVE ALL OTHER ACCESS ROADS AS PART OF JERRAWANGALA NATIONAL PARK**

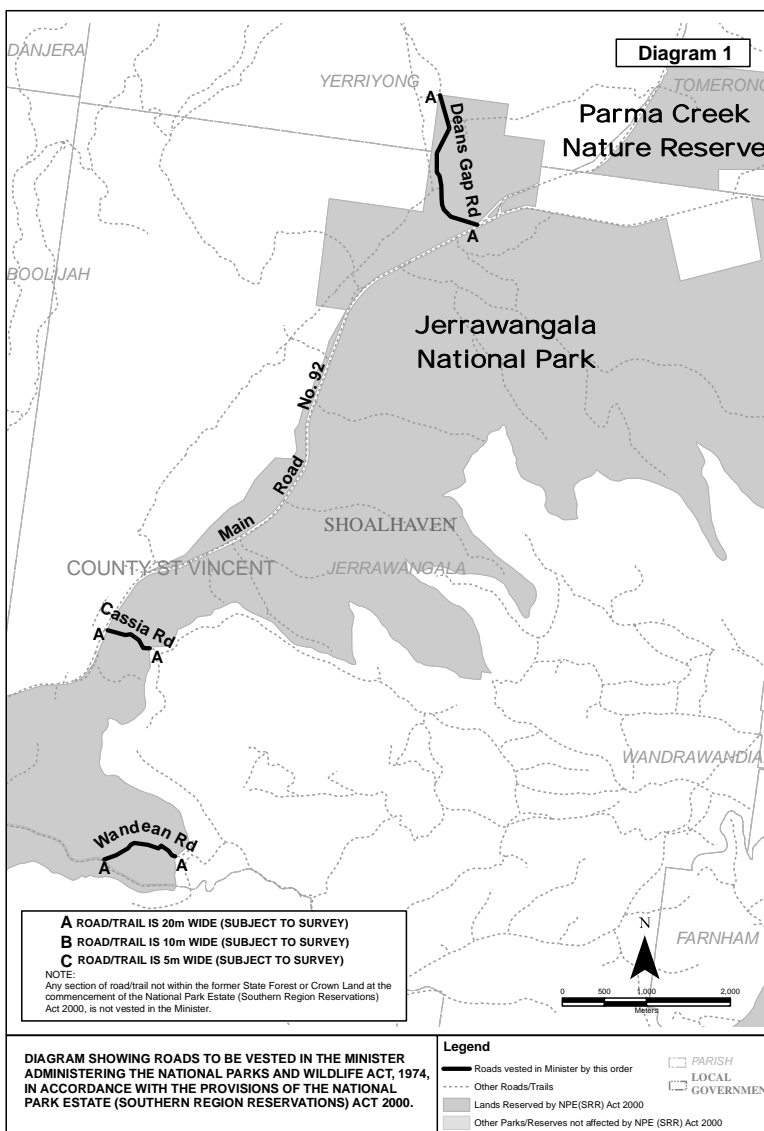
I, Robert Debus, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Southern Region Reservations) Act 2000 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7 (6) (a)&(b):-

1. The access roads described in the Schedule hereunder are excluded from the reservation of Jerrawangala National Park and are vested in the Minister administering the National Parks & Wildlife Act 1974.
2. All other access roads within Jerrawangala National Park not so excluded are reserved as part of Jerrawangala National Park.

Bob Debus  
Minister for the Environment

**SCHEDULE**

County of St Vincent, Parish of Jerrawangala, City of Shoalhaven, being the roads shown by heavy black line in the diagram following.



NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) ACT, 2000

ORDER TO EXCLUDE AN ACCESS ROAD FROM BIMBERAMALA NATIONAL PARK AND TO RESERVE ALL OTHER ACCESS ROADS AS PART OF BIMBERAMALA NATIONAL PARK

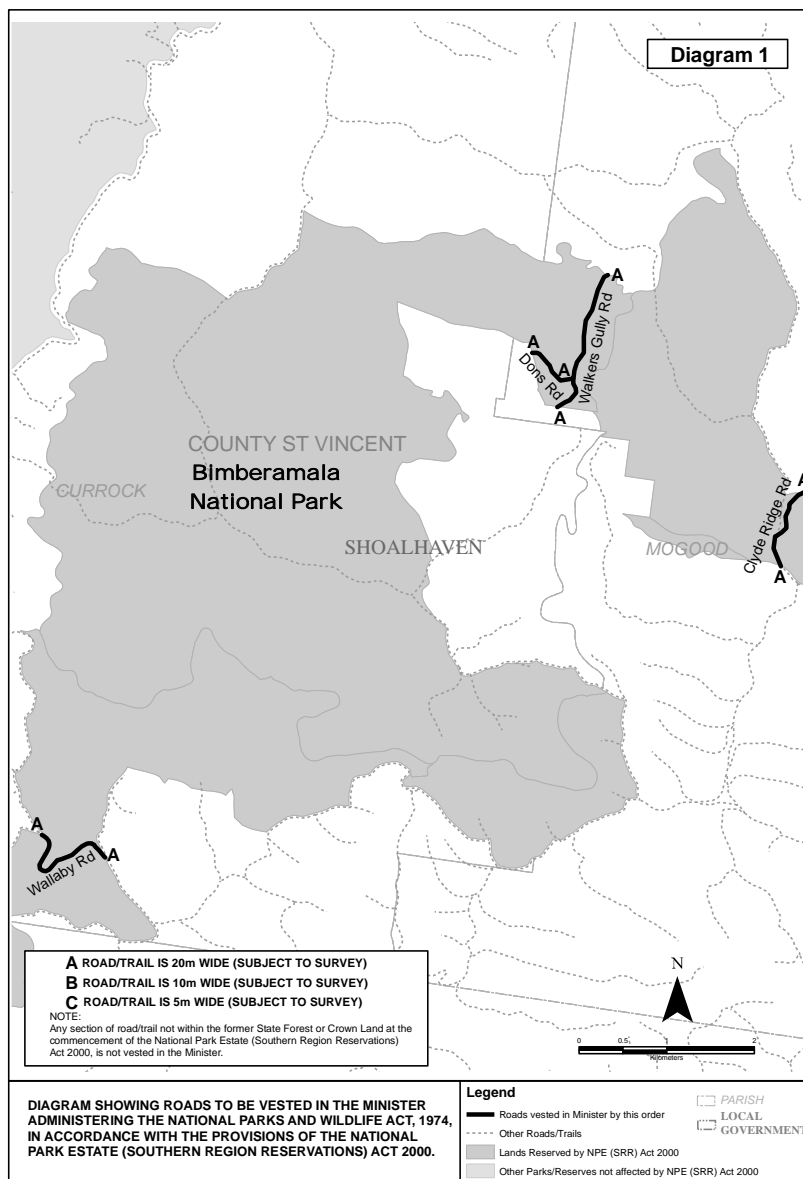
I, Robert Debus, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Southern Region Reservations) Act 2000 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7 (6) (a)&(b):-

1. The access roads described in the Schedule hereunder are excluded from the reservation of Bimberamala National Park and are vested in the Minister administering the National Parks & Wildlife Act 1974.
2. All other access roads within Bimberamala National Park not so excluded are reserved as part of Bimberamala National Park.

Bob Debus  
Minister for the Environment

SCHEDULE

County of St Vincent, Parishes of Currock and Mogood, City of Shoalhaven, being the roads shown by heavy black line in the diagram following.





**NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) ACT, 2000****ORDER TO EXCLUDE AN ACCESS ROAD FROM BAMARANG NATURE RESERVE  
AND TO RESERVE ALL OTHER ACCESS ROADS AS PART OF BAMARANG  
NATURE RESERVE**

I, Robert Debus, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Southern Region Reservations) Act 2000 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7 (6) (a)&(b):-

1. The access roads described in the Schedule hereunder are excluded from the reservation of Bamarang Nature Reserve and are vested in the Minister administering the National Parks & Wildlife Act 1974.
2. All other access roads within Bamarang Nature Reserve not so excluded are reserved as part of Bamarang Nature Reserve.

Bob Debus  
Minister for the Environment

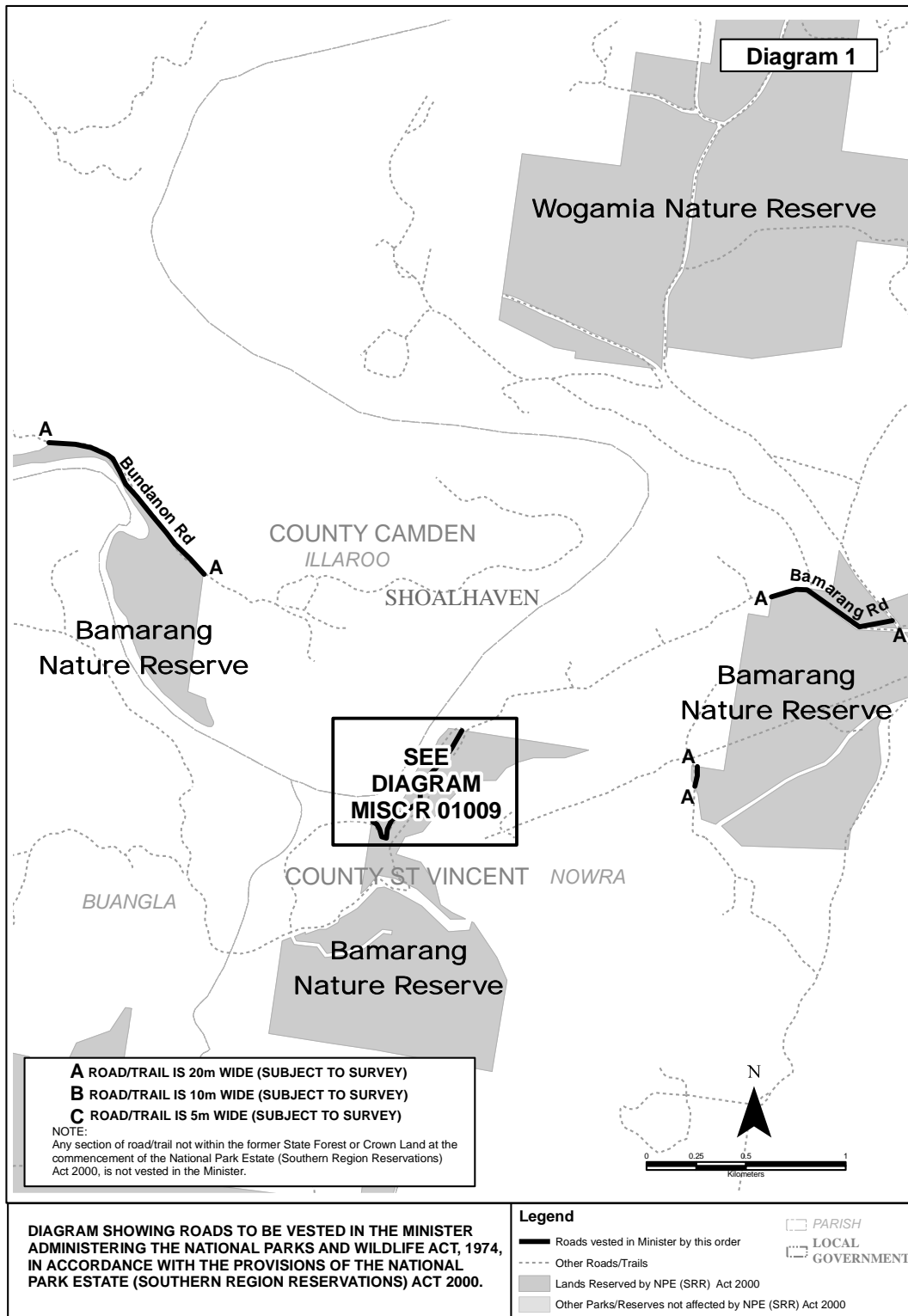
***SCHEDULE***

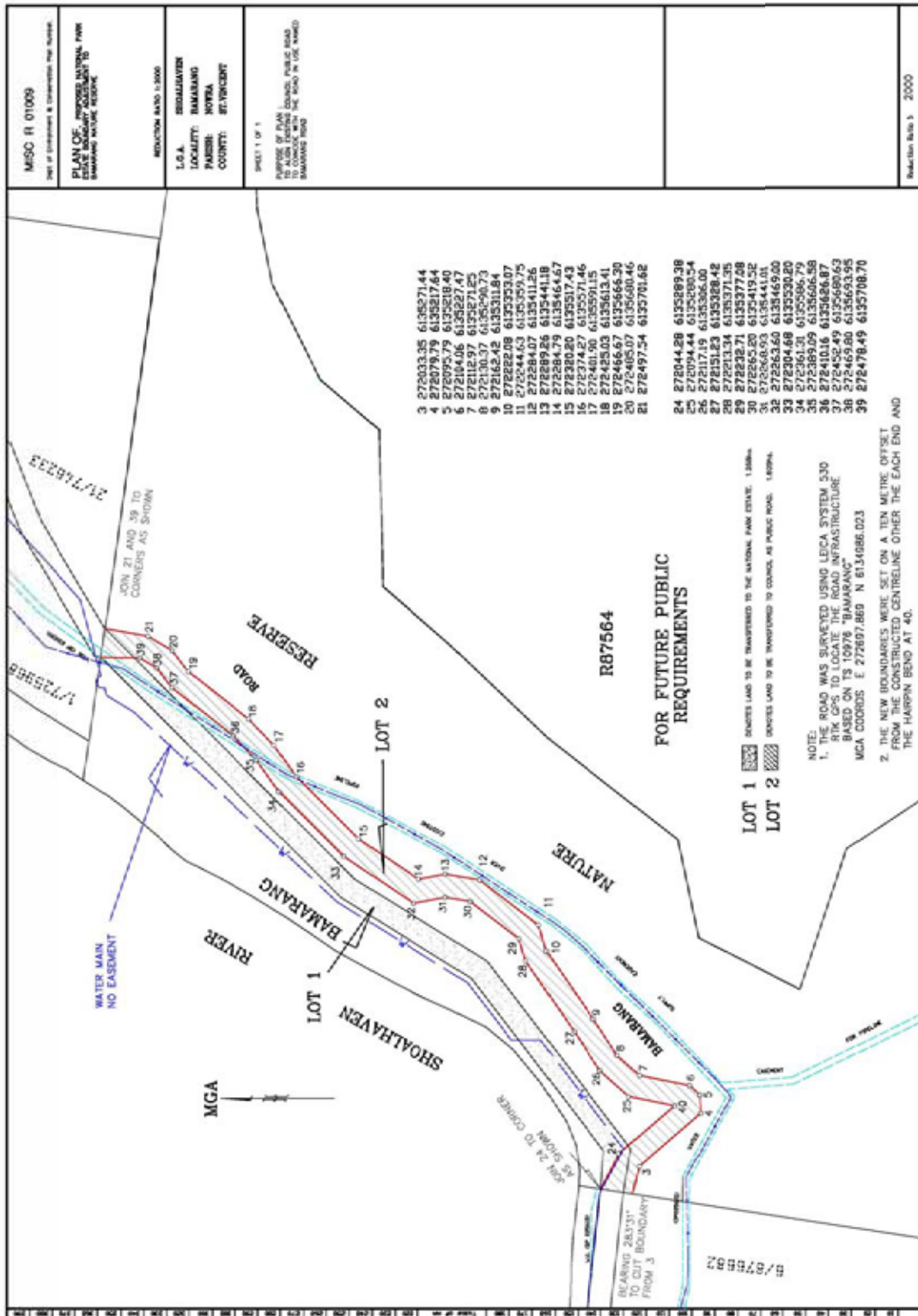
County of St Vincent, Parishes of Nowra and Illaroo, City of Shoalhaven, being the roads shown by heavy black line in the following diagram numbered 1 and lot 2 in miscellaneous plan R01009 held in the Parks and Wildlife Division of the Department of Environment and Conservation.

**Note**

Any section of a road constructed upon the adjoining public road reserve at the commencement of this Act, is not vested in the Minister.

Road widths are measured from the centreline of the constructed road as at 1 January 2001.







INDEPENDENT  
TRANSPORT  
SAFETY AND  
RELIABILITY  
REGULATOR

## **Rail Safety (Drug & Alcohol Programs) Guideline 2006—No 3**

Under the Rail Safety Act 2002

**I, CAROLYN WALSH, Chief Executive of the Independent Transport Safety and Reliability Regulator**, pursuant to sections 42 and 116A of the Rail Safety Act 2002 issue the guideline in Schedule 1 with respect to drug and alcohol programs.

Dated this 23rd day of June 2006

Carolyn Walsh

Chief Executive Officer  
Independent Transport Safety and Reliability Regulator

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### **Explanatory Note**

The object of this Guideline is to amend the Guidelines Relating to Drug and Alcohol Programs originally gazetted on 29 August 2003 and amended on 24 December 2003 to provide for the inclusion of certain matters in the drug and alcohol programs required to be developed and implemented by accredited railway operators.

# **Rail Safety (Drug & Alcohol Programs) Guideline 2006—No 3 Part 1—Preliminary**

## **1. Name of Guideline**

This is the *Rail Safety (Drug & Alcohol Programs) Guideline 2006 – No 3*.

## **2. Commencement**

This Guideline commences on 4 August 2006.

## **Schedule 1**

The Guidelines Relating to Drug & Alcohol Programs are amended as follows:

### **1. Omit sections 7.3 and 7.4 and insert instead the following:**

- 7.3 The program must include the following arrangements for testing the operator's railway employees:
- (a) for all operators except operators of heritage railways, a random testing program which provides for the testing of 25% or more of the operator's railway employees per annum, and is targeted on the basis of an assessment of the risks to the safety of railway operations of railway employees carrying out railway safety work under the influence of drugs and alcohol;
  - (b) the testing of railway employees where the operator has reasonable cause to believe they are under the influence of drugs and/or alcohol;
  - (c) the testing of railway employees involved in an accident or irregular incident;

NOTE: The Regulations (clause 20A) require operators to ensure that testing is conducted after certain types of incidents. However, operators may also conduct testing after other types of incidents.

- (d) all random, targeted and post-incident drug and alcohol testing of railway employees must be conducted in accordance with the *Rail*

*Safety (Drug and Alcohol Testing) Regulation 2003;*

NOTE: Any testing of persons other than railway employees, and any testing of railway employees other than random, targeted or post-incident testing permitted under the Regulations (such as pre-employment testing or testing as part of a health assessment or rehabilitation program) is not subject to the requirements of the Regulations. As defined in the Rail Safety Act 2002, "railway employees" includes employees, contractors or volunteers who perform railway safety work.

- (e) the conduct of confirmatory breath analysis in the event of a positive alcohol breath test, unless there is a reasonable excuse for not doing so;
- (f) the conduct of confirmatory laboratory analysis of urine samples in the event that initial analysis indicates the presence of drugs;
- (g) the periodic assessment of the effectiveness of the testing arrangements according to the risk management principles referred to in section 4.2 of these Guidelines.

### **Authorisation and Training of Testing Officers**

7.4 The program must include the following arrangements for authorisation and training of testing officers:

- (a) the authorisation of testing officers in accordance with clause 4 of the Regulations;

NOTE: any person or position authorised by the ITSRR as an authorised officer under the Regulations prior to 4 August 2006, is taken to have been authorised as a testing officer under clause 4 of the Regulations.

- (b) the training of testing officers in accordance with Schedule 1 of these Guidelines, by no later than 1 January 2007.
- (c) the issuing of a written statement to each testing officer that:
  - (i) states that the person to whom the statement is issued completed the training to the satisfaction of the person conducting it;
  - (ii) specifies the date(s) on which the training was provided;
  - (iii) specifies the content of the training;

- (iv) specifies the name of the person(s) who conducted the training; and
  - (v) is signed by the person(s) who conducted the training.
- (d) the maintenance of accurate and legible records of:
- (i) the names of persons and the titles of positions that have been authorised as testing officers, and their roles and responsibilities under the operator's drug and alcohol program; and
  - (ii) copies of the statements of training issued to persons authorised as testing officers.

**2. Delete sections 8 and 9 of the Drug & Alcohol Guidelines.**

**3. Insert as Schedule 1 of the Drug & Alcohol Guidelines the following:**

**SCHEDULE 1: TRAINING REQUIREMENTS FOR TESTING OFFICERS**

**1. Objective**

The objective of testing officer training is to ensure that all testing officers have sufficient skills and knowledge to carry out the functions of a testing officer as provided by the:

- (a) *The Rail Safety (Drug and Alcohol Testing) Regulation 2003* ("the Regulations"); and
- (b) drug and alcohol program of the operator by whom they were authorised as testing officers.

**2. Qualifications to be held by persons training testing officers**

- (a) Only persons who hold a Certificate IV in Training and Assessment qualification (or equivalent) may conduct the training of testing officers.
- (b) Only persons who hold a Certificate IV in Training and Assessment qualification (or equivalent) and have knowledge of



the operator's drug and alcohol program and testing processes, may develop training courses for testing officers.

### 3. **Content of Training**

The training of testing officers must include the following topics, to the extent that the topics are relevant to the testing officers' role and functions under the drug and alcohol program of the operator who authorised them:

#### (a) **Legal requirements**

- (i) the obligations of railway operators under the *Rail Safety Act 2002* ("the Act") to implement a drug and alcohol program in accordance with these Guidelines;
- (ii) an overview of the drug and alcohol program of the operator that has authorised the testing officer; and
- (iii) the nature of and penalties for the offences contained in the Regulations.

#### (b) **The role and powers of testing officers**

- (i) powers given to testing officers under the Regulations to require persons to submit to random, targeted or post-incident testing, including restrictions on when testing may be required;
- (ii) the requirement for testing officers to produce their certificates of authorisation if requested by a person who is required to submit to testing; and
- (iii) ITSRR's powers to audit testing procedures and to revoke the authorisation of testing officers.

#### (c) **The rights and obligations of workers who are tested**

The procedures for informing workers who are subject to drug and/or alcohol testing of their rights and obligations, including;

- (i) the requirement to submit to drug and/or alcohol testing



when required by a testing officer to do so;

- (ii) the desirability of disclosing the use of prescription drugs that may be detected during drug and/or alcohol testing;
- (iii) the consequences under the operator's drug and alcohol program and the Regulations for failing or refusing to undergo a drug and/or alcohol test;
- (iv) processes for advising workers of the outcomes of their drug and/or alcohol tests;
- (v) availability of any appropriate support and assistance to workers with drug and/or alcohol problems or workers who use prescription drugs; and
- (vi) the obligations of the operator to protect the confidentiality of personal information obtained in the course of drug and/or alcohol testing and related processes.

**(d) Drug & alcohol testing procedures**

- (i) procedures for informing workers they are required to undergo drug and/or alcohol testing;
- (ii) procedures for the correct use of alcohol breath testing devices used under the operator's drug and alcohol program, including the role of any contracted testing service provider;
- (iii) procedures for assessing sobriety in circumstances where a breath testing device is unavailable;
- (iv) procedures for accessing and/or operating breath analysis devices in the circumstances of a positive breath test, including any liaison with police officers;
- (v) procedures for conducting urine drug testing under the operator's drug and alcohol program, including the role of any contracted testing service provider;

- (vi) processes for removing from railway safety work, workers who fail or refuse to undergo drug and/or alcohol testing; and
- (vii) procedures for collecting information and making records of drug and/or alcohol tests, including procedures for the security and protection of confidential personal information obtained during the conduct of drug and/or alcohol testing.

**(e) Procedures for random testing**

The procedures under the operator's drug and alcohol program for conducting random drug and/or alcohol testing, including:

- (i) procedures for selecting workers who are required to undergo drug and/or alcohol testing; and
- (ii) arrangements for accessing testing equipment and liaising with testing service providers.

**(f) Procedures for reasonable cause testing**

The procedures under the operator's drug and alcohol program for conducting drug and/or alcohol testing of workers where there is reasonable cause to believe they are under the influence of drugs and/or alcohol, including:

- (i) procedures for receiving and responding to information regarding workers being under the influence of drugs and/or alcohol; and
- (ii) arrangements for accessing testing equipment and liaising with testing service providers.

**(g) Procedures for post-incident testing**

The procedures under the operator's drug and alcohol program for conducting drug and/or alcohol testing after an incident, including:

- (i) the types of incidents after which drug and alcohol testing

is required;

- (ii) the identification of workers who should be tested after incidents; and
- (iii) arrangements for accessing testing equipment and liaising with testing service providers.

#### **4. Reviewing training requirements**

The content of testing officer training courses should be revised and updated as necessary to ensure that it accurately reflects any changes to the:

- (a) Act, Regulations or Guidelines;
- (b) operator's drug and alcohol program; and
- (c) testing equipment and/or services used in drug and/or alcohol testing under the relevant operator's drug and alcohol program.

#### **5. Frequency of training**

Testing officers must undergo refresher training:

- (a) following any significant revision or updating of the operator's drug and alcohol testing officer training course;
- (b) every five years; or
- (c) when resuming testing officer duties after a continuous break of two or more years.



Tow Truck Authority  
of New South Wales

## MAXIMUM CHARGES FOR TOWING, SALVAGE AND STORAGE OF MOTOR VEHICLES

NOT HAVING A GROSS VEHICLE MASS IN EXCESS OF 4 TONNES

**EFFECTIVE FROM 31 July 2006**

This schedule of maximum charges revokes any previous schedule.

Under section 54 of the Tow Truck Industry Act 1998 (the Act), the maximum charges for towing, salvage and storage of *any accident towing work* anywhere in NSW are as follows:

### 1) TOWING

#### (A) Sydney – Newcastle – Wollongong Areas

On business days during business hours (*8am to 5pm Mon to Fri excluding public holidays*) in Sydney, Newcastle and Wollongong area as defined by the TTA:

The **Maximum Charge**

- |      |   |             |
|------|---|-------------|
| i.   | For any accident towing work  | \$178.00    |
| ii.  | For each subsequent tow   | \$70.00     |
| iii. | For each tow undertaken in excess of 10km via the most direct route | \$4.70 / km |
| iv.  | A surcharge outside business hours of                               | 20%         |

#### (B) Other Area

On business days during business hours (*8am to 5pm Mon to Fri excluding public holidays*) in the other area:

The **Maximum Charge**

- |      |   |             |
|------|---|-------------|
| i.   | For any accident towing work  | \$178.00    |
| ii.  | For each subsequent tow   | \$70.00     |
| iii. | For each tow undertaken via the most direct route in excess of 20km | \$2.35 / km |
| iv.  | A surcharge outside business hours of                               | 20%         |

## 2) SALVAGE

For salvage operations involving the recovery of a motor vehicle involved in an accident, which is still within the vicinity proximate to the crash

- i. For the certified driver of the tow truck at the rate of \$48.00 per hour, proportional to the time taken in excess of 30 minutes actually required for salvage operations.
- ii. For an assistant, if required, at the rate of \$48.00 per hour, proportional to all the time involved.
- iii. For an additional tow truck (including the driver) used in the salvage operation, at the rate applicable for the first tow truck.
- iv. A surcharge outside business hours at a rate of 20%

*Salvage involves the recovery of a motor vehicle from an area other than a road or road related area as defined under the Road Transport (General) Act 1999.*

## 3) STORAGE

For storage ***within an authorised holding yard*** (as specified on the licensee's schedule) following the towing of a motor vehicle involved in an accident/crash and still within the vicinity of the accident/crash:

- |      |   |  |
|------|---|--|
| i.   | For the first 72 hours                    | No charge  |
| ii.  | After 72 hours                            | At a rate advised in writing to the owner or driver of the vehicle prior to the expiration of 72 hours |
| iii. | If no advice of charges has been received | \$11.00 per day  |

*Storage commences when the motor vehicle towed is at the holding yard, and at the time details of the motor vehicle are recorded in an "Approved Holding Yard Register".*

**NOTE:** ***All the above listed charges exclude any applicable GST.***

**NOTES**

The maximum charge for the towing work includes:

1. All activities required to undertake the towing work
2. Waiting time at the crash location
3. Cleaning of all glass / debris from the crash location relating to the motor vehicle towed
4. Disconnection of a battery, if required
5. Reasonable phone calls required to secure the towing work
6. All administration charges including
  - i. Any photographs required,
  - ii. One set of all documents pertaining to the tow, whether faxed or posted (i.e. invoice for payment, towing authorisation and contact details),
  - iii. Notifying the owner of the motor vehicle in writing of applicable storage fees
7. Relocation / removal of the vehicle to an accessible position in the holding yard for release
8. Any other requirement to comply with the Act or Regulations

Any charge for any work or expense deemed by the operator to require a charge above that as listed **MUST** be itemised on the invoice (eg. telephone calls). These **MUST** be listed as an incurred expense not on a generic basis and **MUST** be able to undergo audit probity.

Therefore, a receipt, account or photograph is required by the Tow Truck Authority (TTA), vehicle owner and insurance company to identify and justify any excess charge. If no documentation can be produced to substantiate the work no additional fee can be charged. In all cases the expense charged **MUST** not exceed the expense incurred (eg. If invoiced for an environmental clean of your tow truck from an EPA approved company for \$40, you can only bill the customer \$40)

Any time standing at the location of a crash, including awaiting Police / Emergency Services permission to remove a motor vehicle, by towing, is **NOT** a separate charge but is included in the total charge for the towing work.

If two or more vehicles are carried simultaneously on a *subsequent tow*, any applicable excess kilometre fee or applicable toll can only be applied to one vehicle. No fees are applicable for towing work which is undertaken in accordance with any direction of a police officer or an authorised officer to move a motor vehicle that is causing an unreasonable obstruction to the nearest place where it no longer causes an obstruction. A towing authorisation is not required for such towing work in accordance with such a direction. A towing authorisation is required for any subsequent towing work.

For tows conducted in the Other Area the tow charge includes kilometres travelled for both the journey to the scene of the accident and then to the destination specified on the towing authority. For tows conducted in the Defined Areas (Sydney, Newcastle, Wollongong) the tow charge includes kilometres travelled from the scene of the accident to the destination specified on the towing authority only.

**Operators must comply with the following:**

1. Any invoice for towing, salvage and storage work **MUST** be in accordance with that as stated herein,
2. If any salvage work exceeds 30 minutes, a minimum of 2 photographs of the incident, clearly showing the position of the motor vehicle being salvaged **MUST** accompany the invoice, and be provided with the claim for salvage fees,
3. The owner, driver or their authorised representative **MUST** be provided access, free of charge, during business hours, to collect the motor vehicle or to retrieve personal possessions from the motor vehicle. If access is required outside business hours the owner / driver or their authorised representative is to be advised verbally and in writing of any applicable fees prior to such access being provided,
4. All operators **MUST** display a clearly visible sign in the operator's office and holding yard advising of any ongoing charge for storage after 72 hours,
5. The storage fee notification **MUST** be in the form of a separate document clearly specifying the applicable storage fees to be charged after the expiration of 72 hours and any after hours access charges. Such fees cannot be charged until after the owner of the motor vehicle has received notification in writing,
6. In the event that a police officer or authorised officer is the signatory of the towing authorisation, maximum storage charges of \$10.40 per day apply until the owner of the motor vehicle receives notification in writing of any additional storage charge/s,
7. No demand will be made to insurance companies for a cash only payment for vehicle collection. All operators are to ensure that vehicles to be collected by an insurer are placed in an easily accessible location upon payment for all towing, salvage, storage charges and any other itemised expense that are deemed to be within the charges as stated herein,
8. Any charge levied outside the Schedule of Maximum Charges **MUST** be justified. The levying of additional charges are a matter for each operator to determine, however, any additional charges:
  - i. **MUST** be unique, and relate to the towing/salvage/storage of the said vehicle
  - ii. can only be for what is clearly additional work to meet the requests of the user (whether insurer or vehicle owner)
  - iii. **MUST** be fully itemised with records (including receipts, invoices or accounts) to be kept at the operators premises (refer clause 65 - Tow Truck Industry Regulation 1999)
  - iv. cannot be levied on a generic basis (eg a blanket \$25),
  - v. **MUST** be identified and itemised on an invoice. These charges are to be explained to the owner / driver prior to the service being provided,
  - vi. Invoices / receipts / accounts **MUST** be itemised and made available if requested by the TTA, owner / driver or insurance company prior to or at time of settlement of an invoice.
9. Levies such as fuel levies can not be charged.



## DEFINITIONS

**Accident Towing Work** means the towing or carrying of a motor vehicle that has been involved in a crash, from the site of the crash or within the vicinity proximate to the crash, by another motor vehicle.

**Business Hours** means the period commencing 8.00am and concluding 5.00pm on Business Day/s.

**Business Day/s** means Monday to Friday excluding Public Holidays.

**Crash** means a collision or impact involving a motor vehicle or motor vehicles where a motor vehicle or motor vehicles are damaged.

**Defined Areas** means the areas of Sydney, Newcastle and Wollongong as defined by the TTA and as shown on the attached map.

**Damaged Motor vehicle** means a motor vehicle unable to proceed for reasons other than mechanical and/or electrical break down.

**Motor vehicle** means a light vehicle, with a mass not exceeding 4 tonnes gross vehicle mass.

**Other Area** means that area of N.S.W other than the Defined Areas.

**Road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

**Road related area** means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared by any other Act

**Salvage** means the recovery of a motor vehicle from an area other than a road or road related area.

**Storage** means storage within an authorised holding yard specified on the licensee's schedule and in accordance with the Act.

**Subsequent Tow** means towing by the operator specified on the original towing authorisation from a place of storage or repair to a further destination.

**Towing** means all activities involved with the securing, loading and transporting of a motor vehicle with the exception of salvage and storage

NOTE: All motor vehicle accidents from which a motor vehicle is towed must be reported to the NSW Police, please ensure that you inform your customers of this requirement.





**Tow Truck Authority  
of New South Wales**

**SYDNEY - NEWCASTLE  
WOLLONGONG AREA**

For illustration only - not to scale

# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### ALBURY CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2, Division 2 – Naming Roads

NOTICE is hereby given that Albury City Council, in pursuance of the above act and regulation, has renamed four (4) roads affected by the construction of the Albury Wodonga Hume Freeway Project.

The new road names and their extents are as follow:

- Racecourse Road off Fallon Street in the suburb of North Albury is renamed as Titanium Place.
- Union Road east of the Albury Wodonga Hume Freeway Project is renamed as Hickey Lane.
- Olive Street south of the railway and running north-east along the Albury Wodonga Hume Freeway Project to the Doctors Point Road Schubach Street intersection is renamed as Willowbank Road.
- A new road constructed south from the southern end of Kiewa Street under the Great Southern Railway and Albury Wodonga Hume Freeway Project to the original alignment of Olive Street. This new section of road is named Kiewa Street.

LESLIE GEORGE TOMICH, General Manager, Albury City Council, 553 Kiewa Street, Albury NSW 2640. [2274]

### CESSNOCK CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads and Proposed Public Roads

NOTICE is hereby given that Cessnock City Council, in pursuance of section 162 of the Roads Act 1993, hereby names the public roads and proposed public roads described below as shown.

Location	Name
New subdivision off Victoria Street, East Branxton.	Allwood Close.
New subdivision off Victoria Street, East Branxton.	Victoria Street extension.
New subdivision off Kendall Street, Bellbird.	Beaufort Avenue.
New subdivision off Kendall Street, Bellbird.	Waterfort Close.
New subdivision off Kendall Street, Bellbird.	Pondview Way.
Off Cedar Creek Road, Cedar Creek.	Sawpit Road.
Off Black Hill Road, Black Hill.	Meredith Road.
Off DeBeyers Road, Pokolbin.	Dangar Road.
Was Gills Road, Brunkerville.	Gills Lane.

B. R. MORTOMORE, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock NSW 2325. (Reference: Road Naming). [2275]

### GREAT LAKES COUNCIL

Erratum

THE Great Lakes Council advertisement which appeared in *Government Gazette* No. 77 on 16th July 2006, Folio 2144, requires amendment due to a Council resolution on 25th July 2006:

The spelling of the approved road name “Goorenggai Road” has been amended to be “Gooreengi Road”.

This erratum now amends that spelling. [2276]

### FAIRFIELD CITY COUNCIL

Roads Act 1993, Section 116

Proposed Speed Humps and Speed Cushions

NOTICE is hereby given that Council proposes to install traffic calming devices at the following locations:

- Allambie Road, Edensor Park – A speed cushion between Coonawarra Street and Edensor Road.
- Liverpool Street, Cabramatta – A speed cushion south of National Street.
- Sussex Street, Cabramatta – A speed cushion west of Liverpool Street.
- Davis Road, Wetherill Park – A speed hump between Elizabeth Street and the cul-de-sac.

Council is now seeking comments on the proposals from the public and interested organisations. Submissions in writing, either by way of support or objection to the proposals, must reach Council by Friday, 25th August 2006. For further information, please contact Council’s Traffic and Road Safety Branch on (02) 9725 0261. ALAN YOUNG, City Manager, PO Box 21, Fairfield NSW 1860. [2277]

### GUYRA SHIRE COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that Guyra Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as shown hereunder:

Location	Road Name
Starting at Baldersleigh Road running generally south for a distance of approximately 1km to Chaffeys Lane.	Lakeview Road.
Starting at Lakeview Road running generally east for a distance of approximately 150 metres to the western boundary of Lot 343, DP 753659, Parish of Elderbury.	Dixon Road.
Starting at Guyra Road running generally south for a distance of approximately 800 metres to Baldersleigh Road.	Robinsons Lane.

ANDREW JOHNSON, General Manager, Guyra Shire Council, Council Chambers, PO Box 207, Guyra NSW 2365. [2278]

**TWEED SHIRE COUNCIL**

Roads Act 1993

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the road reserve which runs off Glengarrie Road, approximately 350m west of the intersection of Glengarrie Road and Carol Road, Carool, as:

Torbonts Road.

Authorised by resolution of the Council on 25th July 2006. MIKE RAYNER, General Manager, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484. [2279]

**WOLLONGONG CITY COUNCIL**

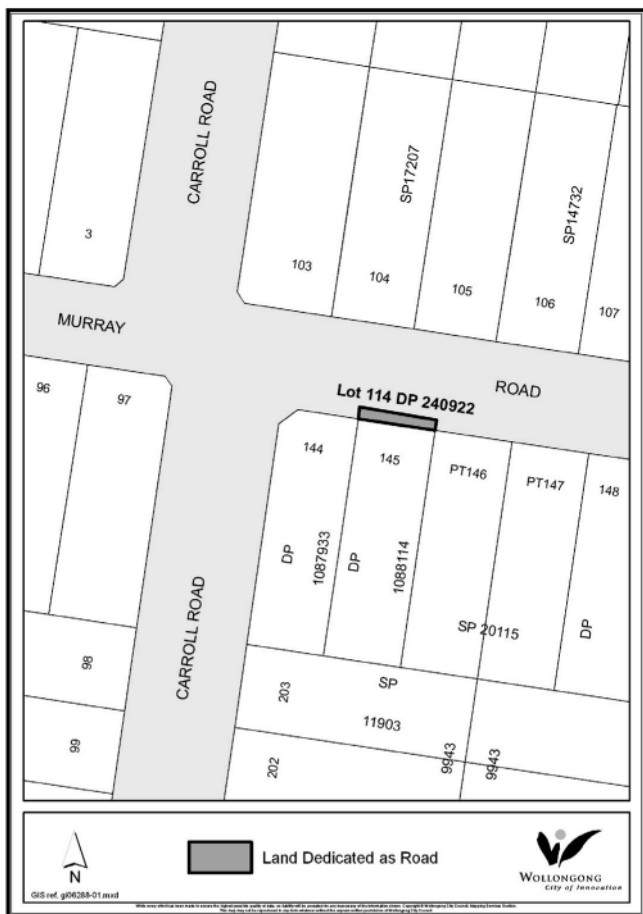
Roads Act 1993, Section 10

Road Dedication

PURSUANT to section 10 of the Roads Act 1993, Wollongong City Council hereby dedicates the following Council land as public road. R. J. OXLEY, General Manager, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre NSW 2521.

**SCHEDULE**

The land comprised in Lot 114, DP 240922 being land adjacent 21 Murray Road, East Corrimal (being Lot 145, DP 1088114), as shown shaded and outlined in heavy black on the accompanying plan.



[2280]

## LOCAL GOVERNMENT ACT 1993

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

## NOTICE OF COMPULSORY ACQUISITION OF LAND

Tweed Shire Council declares with the approval of Her Excellency the Governor, that the easements described in the schedule below excluding any mines or deposits of minerals in those easements, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for sewage drainage purposes. Dated at Murwillumbah this 31<sup>st</sup> day of March 2006 Mike Rayner General Manager Tweed Shire Council.

## SCHEDULE

1. Easement for the drainage of sewage identified with the symbol "X"⊗ 3 wide appearing in DP 1070401
2. Easement for the drainage of sewage identified with the symbol "Y"⊙ variable width appearing in DP 1070401
3. Easement for the drainage of sewage identified with the symbol "X"⊗ 3 wide appearing in DP 1070402
4. Easement for the drainage of sewage identified with the symbol "Y"⊙ variable width appearing in DP 1070402
5. Easement for the drainage of sewage identified with the symbol "X"⊗ 3 wide appearing in DP 1070403
6. Easement for the drainage of sewage identified with the symbol "X"⊗ 3 wide appearing in DP 1070404
7. Easement for the drainage of sewage identified with the symbol "X"⊗ 3 wide appearing in DP 1070405

[2281]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of WILFRED KEVIN ANDREWS, late of 17 Marlee Street, Wingham, in the State of New South Wales, retired, who died on 19th March 2006, must send particulars of their claim to the executrix, Bernadette Ethel Andrews, c.o. of McKERNS LAWYERS, 12 Albert Street, Taree NSW 2430, within one (1) calendar month from publication of this notice. After that time the 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 30th June 2006. McKERNS LAWYERS, 12 Albert Street, Taree NSW 2430 (DX 7021, Taree), tel.: (02) 6550 0922.

[2282]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of VALERIE FLORENCE MCMULLEN, late of 13 Jeannette Street, North Ryde, in the State of New South Wales, who died on 1st April 2006,

must send particulars of his claim to the executors, c.o. of John S. Fordham, Solicitors, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 21st July 2006. JOHN S. FORDHAM, Solicitors, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde 1685) (DX 27551, West Ryde), tel.: (02) 9858 1533.

[2283]

**COMPANY NOTICES**

NOTICE of final meeting.—WARREGO HOLDINGS PTY LIMITED, ACN 000 693 783 (in voluntary liquidation).—Notice is hereby given that the final extraordinary general meeting of the abovenamed company will be held at the offices of O'Donnell Mirabito Accounting & Taxation Services Pty Limited, on 8th September 2006, at 12:00 noon. The final accounts for the winding up of the company will be presented. Dated this 28th day of July 2006. W.

J. O'DONNELL, Liquidator, c.o. O'Donnell Mirabito Accounting & Taxation Services Pty Limited, Chartered Accountants, Shop 8, 1 Sturdee Parade, Dee Why NSW 2099, tel.: (02) 9971 1828. [2284]

NOTICE of voluntary winding up.—WHITE ILIFFE (VIC) PTY LTD, ACN 093 656 341 (in voluntary liquidation).—At a general meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000, on 31st July 2006, the following resolutions were passed: (1) Special resolution: “that the company be wound up voluntarily”. (2) “that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company”. Stephen Humphrys, Director, c.o. Moore Stephens Sydney Pty Limited, Chartered Accountants, Level 7, 20 Hunter Street, Sydney NSW 2000, tel.: (02) 8236 7700. [2285]

## OTHER NOTICES

DISSOLUTION of partnership.—Notice is hereby given that the partnership previously subsisting between Robert James PENDER and Rick James PENDER carrying on business as motor vehicle mechanical repairers at 4 Gray Street, Sutherland, under the style or firm of PENDERS AUTO SERVICE, has been dissolved as from the 1st day of March 2006, so far as concerns the said Robert James Pender who retires from the said firm. JOHN C. SHARP, Solicitor, 16 Allambie Avenue, Caringbah NSW 2229 (PO Box 150, Caringbah NSW 1495), tel.: (02) 9524 7016. [2286]