



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 63

Friday, 4 May 2007

Published under authority by Government Advertising

LEGISLATION

Regulation

Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007

under the

Parliamentary Remuneration Act 1989

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

MORRIS IEMMA, M.P.,
Premier

Explanatory note

Section 6 of the *Parliamentary Remuneration Act 1989* provides for holders of certain offices ("recognised office holders") specified in Schedule 1 to that Act to receive a salary and expense allowance in addition to the basic salary to which they are entitled as Members of Parliament. The additional salary and expense allowance to be received is expressed as a percentage of the basic salary.

The object of this Regulation is to amend Schedule 1 to the *Parliamentary Remuneration Act 1989* to remove the reference to the Chair of Committees in the Legislative Assembly and replace it with a reference to Assistant Speaker of the Legislative Assembly. As a result of new standing orders adopted by the Legislative Assembly, the responsibilities previously assigned to the Chair of Committees have been assigned to the new position of Assistant Speaker.

This Regulation is made under the *Parliamentary Remuneration Act 1989*, including section 6.

Clause 1 Parliamentary Remuneration Amendment (Assistant Speaker)
 Regulation 2007

Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007

under the

Parliamentary Remuneration Act 1989

1 Name of Regulation

This Regulation is the *Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007*.

2 Amendment of Parliamentary Remuneration Act 1989 No 160

The *Parliamentary Remuneration Act 1989* is amended as set out in Schedule 1.

Parliamentary Remuneration Amendment (Assistant Speaker) Regulation
2007

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 1 Additional salaries and expense allowances

Omit from Part 2 the matter relating to the Chair of Committees in the
Legislative Assembly.

Insert instead:

Assistant Speaker of the Legislative Assembly	20%	14%
---	-----	-----

Rules



New South Wales

District Court Amendment (Subpoenas) Rule 2007

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 26 April 2007.

Anthony Grew
Secretary of the Rule Committee

Explanatory note

The object of this Rule is to amend the provisions of the *District Court Rules 1973* with respect to subpoenas so that they accord with Part 3 of Chapter 4 of the *Criminal Procedure Act 1986*. The new provisions (Division 2 of Part 53) are generally the same as the provisions of the *Local Courts (Criminal and Applications Procedure) Rule 2003* with respect to subpoenas.

Clause 1 District Court Amendment (Subpoenas) Rule 2007

District Court Amendment (Subpoenas) Rule 2007

under the

District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Subpoenas) Rule 2007*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Subpoenas) Rule 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] **Part 53, Division 1 heading**

Insert before Part 53, rule 1:

Division 1 General

[2] **Part 53, rule 8**

Omit the rule.

[3] **Part 53, rule 15**

Omit “other than the function exercisable under rule 8 (16)” from rule 15 (1).

[4] **Part 53, Division 2**

Insert after Part 53, rule 17:

Division 2 Subpoenas

18 Issue of subpoenas

- (1) A registrar or prosecutor who issues a subpoena in proceedings is to issue it by signing and dating it.
- (2) A registrar may refuse to issue a subpoena if satisfied that:
 - (a) the issue of the subpoena would be an abuse of process, or
 - (b) the issue of the subpoena would be oppressive on the person named, or
 - (c) if the subpoena is a subpoena to give evidence, the subpoena is returnable on a date on which the Court has not directed the hearing of oral evidence in the proceedings.
- (3) The registrar is not required to retain a copy of a subpoena issued by the registrar.

19 Filing of subpoenas by issuing parties

A party that issues a subpoena must, if required to do so by the Court, make a copy available for filing on the return date for the subpoena.

District Court Amendment (Subpoenas) Rule 2007

Schedule 1 Amendments

20 Service of subpoenas

- (1) A subpoena must be served on the person named in accordance with this rule.
- (2) Service of a subpoena may be effected:
 - (a) by handing it to the person, or
 - (b) if the person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic transmission to the officer in charge at the correctional centre, or
 - (c) if the person is a police officer or a public officer, by sending it by post or facsimile to the person's business address, or
 - (d) if the person is a police officer or a public officer, by sending it by electronic communication to the person's business email address, or
 - (e) if the person is not a police officer or a public officer, by sending it by post or facsimile to the person's residential address, or
 - (f) if the person is not a police officer or a public officer, by sending it by electronic communication to the person's email address, or
 - (g) with the consent of the relevant legal practitioner, by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (3) If, on tender of a subpoena, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the notice.

21 Conduct money

The amounts prescribed for the expenses of complying with a subpoena in relation to a day are:

- (a) an amount equivalent to the amount that would be payable for that day, in accordance with the Scale of Allowances Paid to Witnesses published in Government Gazette No 104 of 27 June 2003, at pages 6408 and 6409, in respect of the person named if the party issuing the subpoena were entitled to claim witnesses expenses in respect of that person as costs in the proceedings, and

District Court Amendment (Subpoenas) Rule 2007

Amendments

Schedule 1

-
- (b) in relation to the production of a document, the reasonable expenses of the person named of complying with the requirement to produce the document.

22 Production by non-party

- (1) This rule applies to a subpoena issued to a person who is not a party to the proceedings.
- (2) A document or thing that may be produced to the Court under section 226 (1) of the *Criminal Procedure Act 1986* may be produced to the registrar of the Court.
- (3) If a subpoena for production requires the production of a document, but does not require the production of the original document, the person named may produce a copy of the original document.
- (4) The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by the registrar or returned to the person.
- (5) If a document or thing is produced to a registrar, the registrar must:
 - (a) give a receipt to the person who produced the document or thing, and
 - (b) produce the document or thing as the nature of the case requires, or as directed by the Court.
- (6) If a subpoena requires production of a document or thing on a date other than the date for hearing the proceedings, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:
 - (a) in the case of an original document, or a thing, return it to the person who produced it, or
 - (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

23 Subpoena may be set aside

- (1) A notice of application to set aside a subpoena (either wholly or in part) is to be in the approved form.
- (2) A copy of the notice of application must be served by the applicant on the party on whose request the subpoena issued,

District Court Amendment (Subpoenas) Rule 2007

Schedule 1 Amendments

either personally or by forwarding a copy by post to the address of the party as shown on the subpoena.

- (3) A copy of the notice of application must also be filed by the applicant with the Court before which the subpoena is returnable.
- (4) Unless leave is granted by the Court, the time for filing and serving the notice of application by the applicant in accordance with this rule is not less than 3 days before the date that the subpoena is returnable.
- (5) An applicant seeking to set aside a subpoena must appear before the Court on the date that the subpoena is returnable to allow the Court to deal with the application.

24 Inspection of subpoenaed documents or things

For the purposes of section 228 (3) of the *Criminal Procedure Act 1986*, notification of an objection to the inspection of subpoenaed documents or things may be raised orally before the Court on the return date of the subpoena.

25 Return of documents and things produced under subpoena

If a subpoena requires production of a document or thing on the date for hearing the proceedings and the proceedings are adjourned, other than to a further date for hearing the proceedings, before the document or thing is produced to the Court, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:

- (a) in the case of an original document, or a thing, return it to the person who produced it, or
- (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

Other Legislation

ERRATUM

IN the *Government Gazette* of the 27 April 2007 the following legislation appeared incorrectly:

Special Supplement No. 57 dated Thursday 26 April 2007

folio 2437 – Transfer of the Administration of Acts

folio 2439 – Public Sector Employment and Management (General) Further Amendment Order 2007

Legislation No. 58 dated Friday 27 April 2007

folio 2443 – Aboriginal Land Rights Amendment (Elections) Regulation 2007

folio 2448 – Health Care Liability Amendment (Dental Prosthetists) Regulation 2007

All four instruments appeared approved by

Her Excellency the Governor

when in fact all four instruments were approved by

The Honourable Justice Keith Mason, A.C., Administrator

by Deputation from Her Excellency the Governor.

This erratum now amends the errors with the gazettal date remaining 27 April 2007.

OFFICIAL NOTICES

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6772 2308 Fax (02) 6772 8782

ROADS ACT 1993

Notification of Closing of Roads

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to these roads are extinguished.

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

Descriptions

Land District – Inverell; L.G.A. – Inverell

Road Closed: Lot 1, DP 1111939 at Atholwood, Parish Severn, County Arrawatta.

File No.: AE05 H 152.

Note: On closing, the lands within Lot 1, DP 1111939, remains vested in the State of New South Wales as Crown Land.

Land District – Armidale; L.G.A. – Armidale Dumaresq

Road Closed: Lot 1, DP 1111934 at Thalgarrah, Parish Davidson, County Sandon.

File No.: AE06 H 42.

Note: On closing, the lands within Lot 1, DP 1111934, remains vested in the State of New South Wales as Crown Land.

Land District – Armidale; L.G.A. – Armidale Dumaresq

Roads Closed: Lots 1 and 2, DP 1111941 at Armidale, Parish Armidale, County Sandon.

File No.: AE06 H 211.

Note: On closing, the lands within Lots 1 and 2, DP 1111941, remains vested in the State of New South Wales as Crown Land.

ROADS ACT 1993

Order

Transfer of a Crown road to a Council

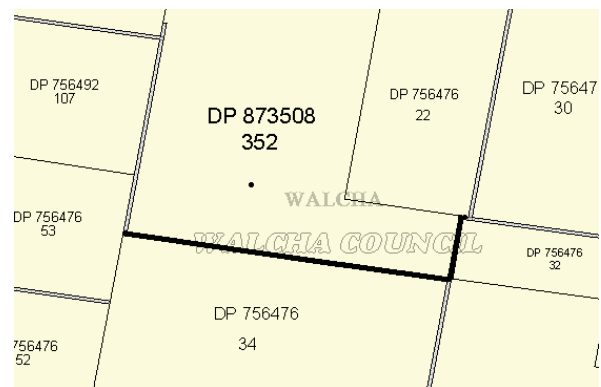
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each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

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

SCHEDULE 1

*Parish – Europambela; County – Vernon;
Land District and L.G.A. – Walcha*

The Crown road as shown shaded solid black on the diagram hereunder.



SCHEDULE 2

Roads Authority: Walcha Council.

File No.: AE07 H 18:W397670.

Councils Reference: TRCRUR01524 : STEVE McCOY.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Goulburn.	Whole being Lots 103, 104,
Shire: Goulburn Mulwaree.	197 and 201-202, DP 750047.
Parish: Tarago.	
County: Argyle.	
Reserve No.: 92789.	
Purpose: Future public requirements.	
Date of Notification: 20 June 1980.	
File No.: GB04 H 712.	

ERRATUM

IN the notice appearing in the *New South Wales Government Gazette* No. 92, Folio 3377, dated 31 May 2002, under the heading "Revocation of Reservation of Crown Land" Land District: Boorowa; Shire: Boorowa, File No.: GB01 H 340 replace "Whole being Lots 155 & 4 DP 754602 of 214.20ha" and insert, "Part being Lots 155 and 4, DP 754602 of 214.20 hectares."

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

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 3400 Fax: (02) 6642 5375****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

Land District – Bellinge; LGA – Nambucca

Road Closed: Lot 1, DP 1095253

File Reference: GF03 H 46

Schedule

On closing, the land within Lot 1, DP 1095253 remains vested in the State of New South Wales as Crown Land.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Parish – Seaham; County – Durham;
Land District – Maitland;
Local Government Area – Port Stephens*

Road Closed: Lot 1, DP 1096366 at Seaham.

File No.: MD04 H 648.

Schedule

On closing, the land within Lot 1, DP 1096366 remains vested in the State of New South Wales as Crown Land.

NOWRA OFFICE**5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

Land District – Bega; L.G.A. – Bega Valley Shire

Lot 1, DP 1106141 subject to easement created by Deposited Plan 1106141 at Gilberts Road, Parish Murrabrine and County Dampier.

File No.: NA04 H 332.

Note: On closing, the land remains vested in the Crown as Crown Land.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Parish – St David; County – Roxburgh
Land District – Bathurst; L.G.A – Bathurst*

Road Closed: Lot 5 in Deposited Plan 1110530 at Gowan.

File No.: OE06 H 318

Note: On closing, the land within Lot 5, DP 1110530 remains vested in Bathurst Regional Council as operational land for the purposes of the Local Government Act 1993.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Parish – Conimbla; County – Forbes;
Land District – Cowra; L.G.A – Cowra*

Road Closed: Lot 2 in Deposited Plan 1111188 at Conimbla

File No.: OE06 H 133

Note: On closing, the land within Lot 2, DP 1111188 remains vested in Cowra Shire Council as operational land for the purposes of the Local Government Act 1993.

**ORDER DECLARING AN ADDITIONAL PURPOSE
TO A RESERVE**

PURSUANT to section 121A of the Crown Lands Act 1989, I declare the public purpose as specified in Column 1 of the Schedule hereunder to be additional to the declared purpose of the reserve specified opposite in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Public Purpose: Public Recreation	Land District: Forbes Local Government Area: Forbes Shire Council Locality: Forbes Dedication No: 590009 Public Purpose: Racecourse Date: 15 August 1896 File Reference: OE07 R 2

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Locality – Quirindi; Land District – Quirindi;
L.G.A. – Liverpool Plains

Road Closed: Lot 1 in Deposited Plan 1108114, Parish Gunnadily, Warrah and Telford, County Buckland.

File No.: TH05 H 338.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

Locality – Pine Ridge; Land District – Quirindi;
L.G.A. – Liverpool Plains

Road Closed: Lot 1 in Deposited Plan 1105401, Parish Telford and Kickerbell, County Buckland and Pottinger.

File No.: TH05 H 162.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

WESTERN DIVISION 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 such leases are those Conditions published in the *New South Wales Government Gazette* of 18 February 2005, Folios 434 – 435.

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

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

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
WLL14805	Andrew FRASER.	14	1066289	14/1066289	2564m ²	18/04/2007	17/04/2027
WLL14652	Eric Cecil HODGES and Andrew WILSON as Tenants in Common in Equal Shares.	230	1076808	230/1076808	2499m ²	18/04/2007	17/04/2027
WLL14787	James Edgar J. MACKENZIE and Joy Irene WHITE as Tenants in Common in Equal Shares.	67	1073508	67/1073508	2457m ²	18/04/2007	17/04/2027
WLL14691	Denis Alfred BAGLEY.	15	1073508	15/1073508	2477m ²	18/04/2007	17/04/2027
WLL14824	Jason Bradley CARNEY.	187	1068088	187/1076808	2335m ²	18/04/2007	17/04/2027
WLL14630	Lisa Eva KIHLMSTROM.	192	1076808	192/1076808	3125m ²	18/04/2007	17/04/2027
WLL14758	Anthony Validimar BUCKLEY.	377	1076808	377/1076808	2484m ²	18/04/2007	17/04/2027
WLL14822	Stanislaw PAWESKI.	40	1076808	40/1076808	2478m ²	18/04/2007	17/04/2027
WLL14735	Link Louise MARSHALL.	87	1057617	87/1057617	2165m ²	18/04/2007	17/04/2027
WLL14695	David John CHAPMAN.	47	1066289	47/1066289	2520m ²	18/04/2007	17/04/2027
WLL14709	David Noel PARKER.	163	1073508	163/1073508	1781m ²	18/04/2007	17/04/2027
WLL14823	Simon Charles PARKER.	372	1076808	372/1076808	2582m ²	18/04/2007	17/04/2027
WLL14781	Terry James FERGUSON.	269	1076808	269/1076808	2393m ²	18/04/2007	17/04/2027
WLL14594	Gladys Muriel KING and Edwin Ian KING as Joint Tenants.	17	1073508	17/1073508	2493m ²	18/04/2007	17/04/2027
WLL14649	Dragica HAJDAREVIC.	242	1076808	242/1076808	2544m ²	18/04/2007	17/04/2027
WLL14797	Dancy Zoe O'HARA.	5	1073508	5/1073508	2474m ²	18/04/2007	17/04/2027
WLL14588	Anthony FLANAGAN and Michael John FLANAGAN as Joint Tenants.	29	1076808	29/1076808	2550m ²	18/04/2007	17/04/2027
WLL14799	Robert John EDGLEY.	21	1057617	21/1057617	2435m ²	18/04/2007	17/04/2027
WLL14692	Murray William TURNER and Alison Shirley TURNER as Joint Tenants.	16	1073508	16/1073508	2476m ²	18/04/2007	17/04/2027
WLL14688	John FIDDLING.	46	1076808	46/1076808	2444m ²	18/04/2007	17/04/2027

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio Identifier	Area	Term of Lease	
						From	To
WLL14763	John MARLAND and Brian MARLAND as Tenants in Common in Equal Shares.	396	1076808	396/1076808	2480m ²	18/04/2007	17/04/2027
WLL14620	Gertrude MANDELIC.	162	1076808	162/1076808	2533m ²	30/04/2007	29/04/2027
WLL14748	Phillip James MYERS.	45	1066289	45/1066289	2466m ²	30/04/2007	29/04/2027
WLL14720	Fadila DJUHERIC.	359	1076808	359/1076808	2296m ²	30/04/2007	29/04/2027
WLL14633	Edith VAN DER CHIJS.	243	1076808	243/1076808	2050m ²	30/04/2007	29/04/2027

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

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

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

*Administrative District – Wilcannia;
Shire – Central Darling;
Parish – Wambah; County – Livingstone*

The purpose/conditions of Western Lands Lease 14124, being the land contained within Folio Identifier 748/761876 has been altered from "Cultivation" to "Residence and Cultivation" effective from 19 April 2007.

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

The conditions previously annexed to Western Lands Lease 14124 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 14124

- (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 "Residence 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 comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (21) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Infrastructure Planning and Natural Resources within 3 months of the date of gazettal of the granting.
- (22) 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.
- (23) 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.
- (24) If the lessee is an Australian registered company than the following conditions shall apply:
 - I The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
 - II Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
 - III Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.

- IV A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

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

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

*Administrative District – Wentworth;
Shire – Wentworth;
Parish – Wentworth; County – Wentworth*

The purpose/conditions of Western Lands Lease 13261, being the land contained within Folio Identifiers 132/763292 and 133/763292 has been altered from "Business Purposes (Game Meat Receiving Depot)" to "Business Purposes – Transport and Storage Yard" effective from 30 April 2007.

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

The conditions previously annexed to Western Lands Lease 13261 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 13261

- (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 agrees to occupy use and keep the Premises at the risk of the lessee and hereby releases to the full extent permitted by law the Lessor from all claims and demands of every kind resulting from any accident damage or injury occurring therein and the lessee EXPRESSLY AGREES that the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or the personal property of the lessee.
- (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 "Business Purposes – Transport and Storage Yard".
- (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 effectively prevent any interference with the amenity of the locality by reason of the emission from the land leased of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil or otherwise, and when directed by the Commissioner shall abate that interference forthwith.
- (17) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect business premises on the land in accordance with plans and specifications approved by the Council of the local government area.
- (18) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (19) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (20) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (21) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (22) The lessee shall, 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.
- (23) If the lessee is an Australian registered company than the following conditions shall apply:
- I The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
 - II Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
 - III Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
 - IV A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedules, is dissolved.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Recreation (R72184) Reserve Trust.	Reserve No.: 72184. Public Purpose: Public recreation. Notified: 21 February 1947. File No.: WL98 R 993/1.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Louth Tennis Courts (R82814) Reserve Trust.	Reserve No.: 82814. Public Purpose: Tennis courts. Notified: 23 September 1960. File No.: WL86 R 21/1.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Museum (R230058) Reserve Trust.	Reserve No.: 230058. Public Purpose: Museum. Notified: 2 February 1990. File No.: WL90 R 8/1.

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to Clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedules hereunder, is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedules.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Dareton Children's Playground Reserve Trust.	Reserve No.: 77215. Public Purpose: Children's playground. Notified: 29 October 1954. File No.: WL03 R 25/1.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Dareton Water Supply Reserve Trust.	Reserve No.: 84995. Public Purpose: Water supply. Notified: 28 August 1964. File No.: WL03 R 23/1.

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
NSW Rural Fire Service.	Lightning Ridge Rural Fire Station Reserve Trust.	Reserve No.: 96922. Public Purpose: Boy Scouts. Notified: 26 August 1983. File No.: WL97 R 63/1.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Tennis Court Reserve Trust.	Reserve No.: 72184. Public Purpose: Public recreation. Notified: 21 February 1947. Reserve No.: 230058. Public Purpose: Museum. Notified: 2 February 1990. File No.: WL88 R 146/1.

DECLARATION OF ADDITIONAL USE OF RESERVATION OF CROWN LAND

BY Order pursuant to section 121A of the Crown Lands Act 1989, the reserve specified in Column 1 of the Schedule hereunder, is authorised to be used for the additional purpose as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Reserve No.: 230058. Notified: 2 February 1990. Public Purpose: Museum. Locality: Collarenebri. Local Government Area: Walgett Shire Council. File No.: WL90 R 8.	Public Recreation.

PROPOSED REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown Land specified in Schedule 1 hereunder to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

Land District – Cobar;
Local Government Area – Cobar Shire Council

Dedication No.: 1013368.
Notified: 23 December 1938.
Public Purpose: Public buildings.
Area: 1416 square metres.
File No.: WL07 H 16/1.

SCHEDULE 2

The whole being Lot 2, section 4, DP No. 459, Parish Cobar, County Robinson, of an area of 1416 square metres.

SCHEDULE 3

Dispose of land by way of sale (Surplus Government Property).

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Parish – Euston; County – Taila;
Land District – Balranald;
Local Government Area – Balranald*

Road: Lot 1, DP 1108386 at Euston.

File No.: WL04 H 92.

Note: On closing, the land will be sold to the adjoining holder by way of private treaty sale, pursuant to section 34 of the Crown Lands Act 1989.

Department of Water and Energy

WATER MANAGEMENT ACT 2000

Order under section 323

Temporary Water Restriction Order

Macquarie and Cudgegong Regulated Rivers Water Source

PURSUANT to section 323 of the Water Management Act 2000, I, PHILIP KOPERBERG, M.P., Minister for Climate Change, Environment and Water, on being satisfied that it is necessary in the public interest to do so because of water shortage, in the Macquarie and Cudgegong Regulated Rivers Water Source 2003 (as defined in the Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003) do by this Order direct that the taking of water from that water source for the current year be restricted as set out in the Schedule to this Order.

This Order takes effect on the date of first broadcasting and will continue until 30 June 2007 unless repealed earlier.

Dated at Sydney this 19th day of April 2007.

PHIL KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

SCHEDULE

Each regulated river (high security) and regulated river (general security) access licence in that part of the water source downstream of the upper limit of Burrendong Dam (stated on the access licence) is restricted to 20% of the volume of water in the water allocation account on the date when the order is first broadcast, inclusive of any water carried over or credited by an assignment dealing from any other access licence.

Note: Access licences that are supplied by Windamere Dam are not subject to the above restriction. These licences are identified with an extraction zone of that part of the water source upstream of the upper limit of Burrendong Dam.

WATER ACT 1912

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

Rodney Torben HOJER for a pump on the Paterson River on Lots 1 and 2, DP 1044083, Parish of Tyraman, County of Durham, for irrigation of 1 hectare (improved pasture, permanent water transfer from 20SL061262) (Reference: 20SL061718).

Any inquiries regarding the above should be directed to Brian McDougall (02) 4904 2546.

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act. Please forward all written objections to the Department of Water and Energy, PO Box 2213, Dangar NSW 2309.

HEMANTHA DE SILVA,
Senior Licensing Officer,
Coastal North

WATER ACT 1912

APPLICATIONS for a licence under section 10 of the Water Act 1912, as amended, has been received from:

Joyce May DICKSON for a pump on Clarence River, Lot 1, DP 196517, Parish Great Marlow, County Clarence, for irrigation of 5 hectares (16.5 megalitres) (replacement application – split of existing licence – no increase in authorised area or allocation) (Reference: 6324378) (GA2:476240).

Robert Eric MCKAY and Gwenyth Ann MCKAY for a pump on North Pumpenbil Creek, Lot 12, DP 1102118, Parish Tyalgum, County Rous, for irrigation of 17.5 hectares (26.5 megalitres) (replacement application – split of existing licence – no increase in authorised area or allocation) (Reference: GRA6324376) (GA2:476241).

Any enquiries regarding the above should be directed to the undersigned (telephone: (02) 6641 6500).

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

D. MILLING,
Manager,
Licensing North

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

Department of Planning



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

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*. (NEW0005392/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)*.

2 Aims of plan

This plan aims to amend *Lake Macquarie Local Environmental Plan 2004*:

- (a) to rezone part of the land to which this plan applies from Zone 10 Investigation Zone to Zone 2 (1) Residential Zone to allow for residential development of that land, and
- (b) to rezone part of the land from Zone 10 Investigation Zone to Zone 7 (2) Conservation (Secondary) Zone to enable environmental protection of that land, and
- (c) to rezone the remaining land, being Crown land, from Zone 10 Investigation Zone to Zone 7 (1) Conservation (Primary) Zone to enable environmental protection of that land, and
- (d) to provide that Lake Macquarie City Council must have regard to a development control plan that sets out certain matters in respect of the development.

3 Land to which plan applies

This plan applies to Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263, fronting Fishery Point Road and Station Street, Bonnells Bay, as shown edged heavy black and lettered "2 (1)", "7 (1)" or "7 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)" deposited in the office of the Council of the City of Lake Macquarie.

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 17)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 8 Land subject to special development requirements

Insert after Item 4:

- | | | |
|---|--|---|
| 5 | Land at Bonnells Bay, fronting Fishery Point Road and Station Street, being Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263. | A development control plan for the land must have been adopted by the Council before consent is granted for any development. The development control plan must address, to the satisfaction of the Council, flora and fauna conservation, water quality management, visual impact and site access and mobility. |
|---|--|---|

[2] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

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*. (NEW0005064/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 26)*.

2 Aim of plan

The aim of this plan is to set out the criteria that will be used to determine whether certain development may be carried out as exempt or complying development.

3 Land to which plan applies

This plan applies to all the land to which *Port Stephens Local Environmental Plan 2000* applies.

4 Amendment of Port Stephens Local Environmental Plan 2000

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

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clauses 49 and 49A

Omit clause 49. Insert instead:

49 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 3 that meets the standards for the development contained in that Schedule and any other requirements contained in that Schedule and that complies with the requirements of this clause is *exempt development*.
- (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) be more than 1 metre from any easement or public sewer main, and
 - (iii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, have a current fire safety certificate or fire safety statement or be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) require a tree to be removed, or
 - (iii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iv) be designated development, or
 - (v) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or in Schedule 2 to this Plan or

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

- that is subject to an interim heritage order under the *Heritage Act 1977*, or
- (vi) be on or in an environmentally sensitive area of State significance.

49A Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Schedule 4 that is carried out in compliance with the standards listed in that Schedule in respect of the development and any other requirements contained in that Schedule and that complies with the requirements of this clause is ***complying development***.
- (3) To be complying development, the development must:
 - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) be more than 1 metre from any easement or public sewer main, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) To be complying development, the development must not be carried out on or in:
 - (a) a site that has at any time previously been used:
 - (i) as a service station, or
 - (ii) as a sheep or cattle dip, or
 - (iii) for intensive agriculture, or
 - (iv) for mining (but not underground mining) or an extractive industry, or
 - (v) for waste storage or waste treatment, or
 - (vi) for the manufacture of chemicals, asbestos, or asbestos products, or
 - (b) an environmentally sensitive area of State significance, or
 - (c) land to which clause 51A (Development on land identified on Acid Sulfate Soils Planning Maps) applies, or
 - (d) land to which clause 38 (Development on flood prone land) applies, or

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

- (e) land located within the 20 Australian Noise Exposure Forecast contour as identified on the *2012 Australian Noise Exposure Forecast* for Salt Ash Air Weapons Range and for RAAF Base Williamtown.

[2] **Schedules 3 and 4**

Insert after Schedule 2:

Schedule 3 Exempt development

(Clause 49)

Development consisting of, or for the purpose of the following:

Exempt development standards and requirements

Private development

Access ramps

- Maximum height 1m above finished ground level.
- Maximum grade 1:14.
- Complies with AS 1428.1—2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.
- Located wholly within the property boundary.

Advertising signs

(a) Business identification sign

- Maximum of 1 business identification sign indicating the approved use of the land.
- Maximum 1.2m length and 0.6m height.
- Must be fixed to the wall of the building, the front fence of the property, or on a pole with a maximum height of 1.5m above the ground.
- Located within the property boundary.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(b) Directory boards for industrial units	<ul style="list-style-type: none"> • Maximum 1.5m length and 1.5m height. • Must be fixed to the wall of the building, the front fence of the property, or on a pole with the top of the sign to be no more than 2.5m above the ground.
(c) Fascia sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none"> • Must be attached to the fascia or return end of an awning. • Must not project above or below the fascia. • Must not extend more than 300mm from the fascia. • Must not be internally illuminated.
(d) Flush wall sign on land within Zone No 3 (a) (Business General "A" Zone) and Zone No 4 (a) (Industrial General "A" Zone)	<ul style="list-style-type: none"> • Must be attached flush to the wall and must not protrude more than 200mm from the wall. • Maximum 2.5m² in area. • Must be securely fixed to the wall. • Must not cover mechanical ventilation vents.
(e) Signage for sporting field fences and scoreboards	<ul style="list-style-type: none"> • Maximum 5m length and 0.9m height. • Must face the sporting fields. • Must be attached to existing fencing or scoreboards. • If on a reserve, must be in accordance with any plan of management adopted by Council for the reserve.
(f) Top hamper sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none"> • Must be attached to the transom of a doorway or window of a building. • Maximum 2.5m² in area. • Must not extend more than 200mm beyond any building alignment. • Must not extend beyond the doorway or window to which it is attached.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(g) Underawning sign on land within Zone No 3 (a) (Business General "A" Zone) Aerials, antennae, microwave antennae (not including satellite dishes)	<ul style="list-style-type: none"> • Must be attached to the underside of an awning and erected horizontal to the ground. • Must not be less than 2.6m from the ground at any point. • Maximum 1.5m² in area. • Must not project beyond the awning. • Must be securely fixed with metal supports. • Must not affect sight distances or reduce traffic visibility. • Maximum height 3.6m if mounted on the roof or 6m above ground level if not attached to the dwelling. • Maximum diameter of 900mm. • Located wholly within the property boundary and behind the building line. • Only 1 per building. • For domestic use only.
Air conditioning units	<p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • The method of fixing to the building must be sympathetic to the heritage fabric of the building. • Located to the side or rear of the building. • Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted). Where air conditioner noise is audible within another residence, it is potentially offensive noise.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:
Exempt development standards and requirements

Automatic Teller Machines (ATM) other than ATMs within buildings that are heritage items or within buildings located within a Heritage Conservation Area

- Where the air conditioning unit is located within 900mm of a common boundary, a certificate must be provided by a practising acoustic engineer to the effect that, having assessed the design and installation of the air conditioning unit, it is not, while in operation, likely to create offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
- Associated building work must not reduce the structural integrity of the building.
- Any opening created for an air conditioning unit must be suitably weatherproofed.
- Airflow from an air conditioning unit must be directed so as not to affect adjoining properties.

Heritage conservation area and heritage item requirements

- Located to the side or rear of the building.
- Must be attached to the wall of a building.
- Must be wholly enclosed in an arcade or shopping centre or if facing a public footpath or street, setback 1m from the road reserve unless it is turned perpendicular to the street.
- Allowance must be made for queuing so as not to hinder the free movement of pedestrians.
- Complies with AS 1428.1—2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.
- Must be appropriately lit with satisfactory surveillance.
- Must include a bin with adequate capacity to discourage littering.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Awnings, canopies, storm blinds on dwelling	<ul style="list-style-type: none"> • Maximum area 10m². • Must not encroach more than 1m on the building line. • Minimum 675mm from side and rear boundaries. • Stormwater must not be directed onto adjoining properties. • Located wholly within the property boundaries. • Materials used must generally be non-reflective.
Barbeques	<p data-bbox="790 996 1177 1028"><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Materials used must have a Flammability Index no greater than 5. <p data-bbox="790 1106 1241 1160"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located to the side or rear of the building. • Maximum area 10m² and maximum height 2.4m. • Minimum 900mm from side and rear boundaries. • Minimum separation 1.8m from adjoining dwellings. • Located behind the building line. • Not within 6m of an LPG tank, other than the energy source for the barbeque. <p data-bbox="790 1563 1241 1617"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located to the rear of the building.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Bird aviaries (not for the keeping of poultry)	<ul style="list-style-type: none"> • Maximum area 20m² and maximum height 2.4m. • Minimum of 10m from adjoining dwellings. • Located behind the rear alignment of the building. • Minimum 900mm from side and rear boundaries. • Floor must be impervious. • Stormwater must not be directed onto adjoining properties. • Maximum of 1 per site.
Cabanas and gazebos	<p data-bbox="790 1037 1241 1093"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Architectural style must be in keeping with the existing building. • Located to the rear of the building. • Maximum floor area 20m² and maximum height 2.7m. • Free standing and prefabricated using non-reflective materials. • Maximum of 1 per site. • Installed to manufacturer's specifications. • Located behind building line setback. • Must not cause nuisance to adjoining properties as a result of stormwater run-off or visual intrusion. • Minimum 900mm from side and rear boundaries in residential areas and 5m in rural areas. <p data-bbox="790 1659 1177 1688"><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Located more than 10m from the dwelling or complies with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Change of use of a building from: (a) 1 type of industry to another type of industry (b) 1 type of warehouse to another type of warehouse (c) 1 type of industry to a warehouse.	<ul style="list-style-type: none"> • The building is lawfully used, or has been lawfully constructed to be used, for industry or light industry. • Total floor space is less than 2,000m². • The use is not actually or potentially a hazardous or offensive industry. • The use does not require a trade waste agreement. • Building must have a current fire safety certificate. • Must not involve a change in building classification under the <i>Building Code of Australia</i>.
Change of use of a building from: (a) 1 type of shop to another type of shop (b) 1 type of commercial premises to another type of commercial premises (c) 1 type of shop to commercial premises.	<ul style="list-style-type: none"> • The building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop or commercial premises. • The use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with development consent. • The building does not involve the preparation of food for sale or consumption, or involve use as a hairdresser or beauty salon. • The different use complies with the conditions of any relevant existing development consent. • The different use does not result in an increase in the gross floor area of the building. • Building must have a current fire safety certificate.
<p>Note. Restricted premises are separately defined and do not come under the definition of a shop or commercial premises.</p>	

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Charity, clothing and recycling bins	<ul style="list-style-type: none"> • Only permissible in residential and commercial zones. • Maximum of 3 bins at any 1 location. • Area must be kept clean and tidy at all times. • Owners' consent is required prior to placement of the bins.
Clothes hoists or lines	<ul style="list-style-type: none"> • Installed to manufacturer's specifications. • Located behind the building line setback. • Suitably screened from public view.
Cubby houses and play equipment	<ul style="list-style-type: none"> • Maximum height 2.4m. • Maximum ground coverage 10m². • Minimum setback 900mm from side and rear boundaries. • Installed to manufacturer's specifications. • Timber construction complies with AS 1684, <i>National Timber Framing Code</i>. • Located behind the building line setback.
Dams on land within Zone No 1 (a) (Rural Agriculture "A" Zone) Note. Approval may be required from the Department of Natural Resources.	<p data-bbox="790 1406 1241 1462"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located to the rear of the building. • Must have an outside wall height to the crest of 1m or less. • Minimum 10m from the property boundaries. • Capacity must not exceed 1 megalitre. • Maximum of 1 dam per property. • No trees are to be removed or damaged as a result of the dam construction. • Spillways must not direct water onto adjoining properties.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Decks and patios	<ul style="list-style-type: none"> • Maximum area 25m². • Maximum 1m above existing ground level. • Must have sufficient step down to prevent the entry of water into the dwelling. • Maximum of 1 per property. • Minimum 900mm from side and rear boundaries. • A privacy screen must be provided if the deck or patio overlooks the open space of an adjoining dwelling. • Located behind the building line. • Must be of timber construction or concrete slab on brick supports. • Timber construction must comply with AS 1684, <i>National Timber Framing Code</i>. • Termite barriers must be installed in accordance with AS 3660, <i>Protection of buildings from subterranean termites</i>, Supp 1—1993: <i>Prevention, Detection and treatment of infestation—Certificate of termiticide application</i>. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Complies with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear of the building.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Demolition other than demolition of: <ul style="list-style-type: none"> (a) a building that is a heritage item, or (b) a building adjoining a heritage item, or (c) a building within a heritage conservation area, or (d) a building within Zone No 3 (a) (Business General "A" Zone). 	<ul style="list-style-type: none"> • Complies with AS 2601—1991, <i>Demolition of structures</i>. • Does not involve the "implosion" method of demolition. • Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement. • Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos in Buildings</i>. • Any work involving lead paint removal must not cause lead contamination of the air or ground.
Fences (other than fences required by the <i>Swimming Pools Act 1992</i>)	<ul style="list-style-type: none"> • All fences must be constructed so that they do not prevent the natural flow of stormwater drainage or run-off. • Fences fronting a road must have a maximum height of 1m if of solid appearance and 1.5m if the overall fence design is at least 50% transparent. • Side and rear fences must not exceed a height of 1.8m. • Side fences must not encroach on the front setback area of the dwelling. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Must not be constructed of softwood, treated pine or brushwood. • If the fence does not connect to a dwelling and has at least 1m separation from a dwelling—must be constructed from hardwood or non combustible material.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Flagpoles	<ul style="list-style-type: none"> • Maximum height 6m above existing ground level. • Freestanding, not relying on other structures for support. • Installed to manufacturer's specifications. • Structural engineer's certificate required. • Maximum of 1 flagpole per lot in residential zones and 3 flagpoles in industrial and commercial zones. • Must not project over a public road or adjoining property. • Clearance from power lines in accordance with the requirements of the relevant electricity authority.
Fowl houses (for the keeping of poultry) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> • Maximum area 50m² and maximum height 3m. • Minimum setback of 5m from side and rear boundaries. • Maximum of 1 per site. • Located behind the building line setback. • Constructed from non-reflective materials that blend with the natural environment. • Stormwater must be directed to the street gutter, stormwater main or an absorption pit. • Not located over house surcharge or overflow gully. • Disposal of manure and wastewater by a method that does not harm or pollute the local or downstream environment.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Fuel tanks (used for agricultural activities or home employment) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> • Design and location of structure must mitigate the effects of any offensive smell within the locality. • Complies with Schedule 2, Part 5, Division 2 (other than clause 20 (5)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of poultry). • On sites with an area of a least 2 hectares. • Maximum capacity 5,000 litres. • Bunded with capacity to contain at least 110% of the capacity of the fuel tank. • Constructed of prefabricated material. • Operated and maintained in accordance with AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i>. • Minimum 20m from the street boundary and 4m from the side and rear boundaries. • Wholly within the property boundaries and not to encroach on any registered easements. • Minimum of 100m from a creek, river or watercourse.
Garden shed	<ul style="list-style-type: none"> • Free standing and prefabricated. • Maximum of 1 per site. • Maximum floor area 10m² and maximum height 2.4m. • Constructed from non-reflective materials that blend with the natural environment. • Located behind the rear alignment of the building. • Minimum 900mm from side and rear boundaries.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Gardening, landscaping and paving	<p data-bbox="794 636 1177 669"><i>Bush fire prone land requirements</i></p> <ul data-bbox="794 674 1283 1039" style="list-style-type: none"> <li data-bbox="794 674 1283 835">• If within a nominated Asset Protection Zone—must be located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <li data-bbox="794 846 1283 907">• Must not adversely impact on adjoining properties. <li data-bbox="794 913 1283 974">• Paving or hard surface area covers not more than 25m². <li data-bbox="794 981 1283 1039">• Must not involve excavation or fill deeper than 600mm.
Home-based child care or family day care home	<ul data-bbox="794 1055 1283 1160" style="list-style-type: none"> <li data-bbox="794 1055 1283 1160">• The use of the premises for the supervision of a maximum of 7 children in accordance with the definition of <i>home-based child care</i>.
Home occupation	<p data-bbox="794 1167 1177 1200"><i>Bush fire prone land requirements</i></p> <ul data-bbox="794 1205 1283 1263" style="list-style-type: none"> <li data-bbox="794 1205 1283 1263">• On bush fire prone land, is not exempt development. <p data-bbox="794 1272 1283 1323">Note. See the definition of <i>home occupation</i> in the Dictionary.</p>
Horse shelters (keeping up to 4 horses) and animal shelters on land within Zone No 1 (a) (Rural Agriculture “A” Zone)	<ul data-bbox="794 1339 1283 1760" style="list-style-type: none"> <li data-bbox="794 1339 1283 1373">• Maximum of 1 per property. <li data-bbox="794 1379 1283 1438">• Maximum area 50m² and maximum height 3m. <li data-bbox="794 1444 1283 1503">• Minimum of 5m from side and rear boundaries. <li data-bbox="794 1509 1283 1615">• Constructed of timber (cut or round) or prefabricated metal (including cladding) to AS 1684, <i>Residential timber-framed construction</i>. <li data-bbox="794 1621 1283 1697">• Constructed from non-reflective materials that blend with the natural environment. <li data-bbox="794 1704 1283 1760">• Must be more than 6m from any effluent wastewater disposal.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Internal fit out to existing shop or commercial premises (excluding food shops, hairdressers and beauty salons)	<ul style="list-style-type: none"> • Stormwater must be discharged to a point well clear of any buildings or effluent wastewater disposal areas. • Design and location of structure must mitigate the effects of any offensive smell within the locality. • Disposal of manure and wastewater in a manner that does not harm or pollute the local or downstream environment. • Complies with Schedule 2, Part 5, Division 3 (other than clause 21 (4)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of horses and cattle). • Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units). • Must not reduce light or ventilation. • Must not reduce the number or size of exits. • Must not involve the enclosure of open areas. • Complies with the <i>Building Code of Australia</i>.
Internal alterations to existing single dwellings	<ul style="list-style-type: none"> • Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units). • Renovations of bathrooms and kitchens including built-in fixtures such as vanities, cupboards and wardrobes. • Replacement doors, wall, ceiling or floor linings and deteriorated frame members, must be constructed with equivalent or better quality materials. • Must not reduce light or ventilation. • Must not reduce the number or size of exits.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Letterbox	<ul style="list-style-type: none"> • Must not involve the enclosure of open areas. • Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement. • Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • Maximum height 1.5m above existing ground level. • Appropriate numbering of each letterbox in accordance with postal requirements. • Structurally stable with adequate footings. • Located at the street frontage. • Located wholly within property boundaries.
Pergolas and verandahs	<ul style="list-style-type: none"> • Maximum area 25m² and maximum height 3m. • No enclosed walls. • A privacy screen must be provided if the pergola or verandah overlooks the open space of an adjoining dwelling. • Maximum of 1m above existing ground level. • Maximum of 1 per dwelling. • Sufficient step down must be provided to prevent the entry of water into the dwelling. • Complies with the relevant Australian Standards and <i>Building Code of Australia</i>.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Recladding, painting, plastering, cement rendering or repair, restoration or maintenance of damaged materials	<ul style="list-style-type: none"> • Located wholly within the property boundaries and behind the building line setback. • Minimum 900mm from side and rear boundaries. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear of the building. • Replaces existing materials with similar materials that are compatible with the existing building and finish. • Must not involve structural alterations or a change to the external configuration of a building. • Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement. • Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>. • Any work involving lead paint removal must not cause lead contamination of the air or ground. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • For maintenance, restoration and repairs only. • Materials used must match the existing fabric in all respects.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Retaining walls	<ul style="list-style-type: none"> • Maximum height at the site boundary is 600mm where development is 1,300mm or less from the boundary. This may extend to 900mm where the setback proposed is at a greater distance. • Maximum height 1m. • Minimum distance between retaining walls is 2m. • Slopes between retaining walls or terracing must be landscaped and must not be greater than 4 horizontal to 1 vertical. • Constructed so as not to prevent the natural flow of stormwater drainage or run-off. • Masonry walls must comply with AS 3700, <i>Masonry structures</i>, AS 3600, <i>Concrete structures</i>, AS 1170, <i>Loading Code</i>. • Timber walls must comply with AS 1720, <i>Timber structures</i>, AS 1170, <i>Loading Code</i>, AS 3660, <i>Termite management</i>. • Must not affect existing fencing. • Must be located wholly within the property boundaries.
Rural earthworks Note. Approval may be required from the Department of Natural Resources.	<p data-bbox="790 1458 1241 1518"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear alignment of the building. • Minor levelling of land to a maximum depth of 300mm. • Minimum 10m from the property boundaries. • Excavation must be associated with current development approval (dwelling, shed, retaining wall, etc).

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Rural shed (garage, hay shed, machinery shed) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> • Permissible only on sites with an area of at least 4,000m². • Maximum area of 75m². • Single storey. • Maximum height of 4.2m to the roof and 3.6m to the eaves. • Minimum 10m from side and rear boundaries. • Located behind the building line and dwelling. • Minimum 5m from any effluent disposal area. • Maximum of 2 sheds for any 1 property. • Constructed from non-reflective materials that blend with the natural environment. • Erected in accordance with manufacturer's specifications. • Stormwater must discharge to a rainwater tank or a point well clear of any buildings or effluent wastewater disposal area.
Satellite dishes	<ul style="list-style-type: none"> • Installed to manufacturer's specifications. • Maximum height 1.8m and maximum diameter 900mm. • Maximum of 1 per property. • Minimum 900mm from side and rear boundaries. • Located below the ridgeline of the roof.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Shade structures—open weave fabric or mesh shade structures	<ul style="list-style-type: none"> • Maximum height 3m and maximum area 40m². • Located behind the dwelling or building. • Minimum setback 900mm from side and rear boundaries. • Structural engineer's certificate required for the structure and footings.
Silo on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<p data-bbox="790 902 1177 936"><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • If within 10m of the dwelling—materials used must have a Flammability Index no greater than 5. • Maximum capacity of 60 tonnes. • Constructed of prefabricated metal. • Freestanding, not relying on other structures for support. • Erected in accordance with manufacturer's specifications. • Erected at least 20m from property boundaries. • Not to encroach on any registered easement. • Clearance from power lines in accordance with the relevant electricity authority. • Minimum of 40m from a creek, river or watercourse.
Skylights (non-opening)	<ul style="list-style-type: none"> • Maximum area 1m². • No more than 1 per 25m² of roof area. • Associated building work must not involve structural alterations. • Any opening created must be adequately waterproofed. • Installed to manufacturer's instructions and <i>Building Code of Australia</i> requirements.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Solar water heaters/panels	<p data-bbox="790 629 1177 663"><i>Bush fire prone land requirements</i></p> <ul data-bbox="790 674 1273 1106" style="list-style-type: none"> <li data-bbox="790 674 1273 752">• Constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <li data-bbox="790 763 1161 819">• Installed to manufacturer's specifications. <li data-bbox="790 831 1257 864">• Installed by a licensed tradesperson. <li data-bbox="790 875 1257 976">• Associated building work must not reduce the structural integrity of the building or involve structural alterations. <li data-bbox="790 987 1187 1043">• Any opening created must be adequately waterproofed. <li data-bbox="790 1055 1230 1106">• Installations are flush with a roof alignment.
Stockyards associated with agricultural activities on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul data-bbox="790 1122 1257 1402" style="list-style-type: none"> <li data-bbox="790 1122 1241 1155">• Maximum yard area of 1/2 hectare. <li data-bbox="790 1167 1123 1200">• Maximum height 2.4m. <li data-bbox="790 1211 1241 1267">• Minimum setback of 10m from all property boundaries. <li data-bbox="790 1279 1257 1335">• Minimum setback of 40m from any dwelling. <li data-bbox="790 1346 1241 1402">• All run-off must be collected and treated to prevent pollution of any watercourse.
Water heaters (replacement or new installations)	<ul data-bbox="790 1424 1281 1771" style="list-style-type: none"> <li data-bbox="790 1424 1281 1615">• Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted). <li data-bbox="790 1626 1225 1682">• The installation must not involve structural alterations. <li data-bbox="790 1693 1257 1727">• Installed by a licensed tradesperson. <li data-bbox="790 1738 1262 1771">• Located directly on the ground or in the ground, behind the building line.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Water tanks (at or above ground level)	<ul style="list-style-type: none"> • Maximum capacity of 10,000 litres in residential zones and 60,000 litres in rural zones. • Minimum setback 900mm to side and rear boundaries. • Maximum height 2.4m. • Located behind the building line and the dwelling. • Noise from the pumps must comply with the <i>Protection of the Environment and Operations Act 1997</i>. • Installed to manufacturer's specifications. • Overflow must be directed to an existing stormwater disposal system, street, absorption pit or drainage easement.
Windmills (for pumping water—not commercial power generation) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> • Located wholly within property boundaries. • Freestanding, not relying on other structures for support. • Structural engineer's certificate required for the structure and footings. • Maximum height 15m.
Windows, glazed areas and external doors	<ul style="list-style-type: none"> • Replacement in residential premises with windows that comply with AS 1288—2006, <i>Glass in buildings—Selection and installation</i> and AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i> (Human Impact Considerations). • No reduction in light or ventilation. • No increase in size. • Alterations must comply with the <i>Building Code of Australia</i> and the structural integrity of the building must not be affected.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:
Exempt development standards and requirements

- Any work involving asbestos cement must comply with WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*.
 - Any work involving lead paint removal must not cause lead contamination of the air or ground.
- Bush fire prone land requirements***
- Constructed to meet the requirements of AS 3959—1999, *Construction of buildings in bushfire-prone areas*.
- Heritage conservation area and heritage item requirements***
- Involves repairs or maintenance only.
 - The new glazing and frame must match the existing fabric in all respects.

Council development
Amenities buildings on public land

- Maximum area 50m² and maximum height 6m.
- Consistent with any plan of management adopted by Council under the *Local Government Act 1993*.
- Complies with AS 1428.1—2001, *Design for access and mobility, Part 1: General requirements for access—New building work*.
- Structural engineer's certificate required.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Bus shelters	<ul style="list-style-type: none"> • Suitably designed and constructed by or for Council. • Must reflect the character and amenity of the area. • Structurally adequate construction. • Not obstruct the line of sight of vehicular traffic. • Located to enable safe and convenient access by pedestrians including people with disabilities. • Provide all weather comfort for patrons. • Maximum area 10m² and maximum height 2.7m. • Non-reflective surface finishes.
Goal posts, playground equipment, sightcreens, scoreboards and similar structures on public land	<ul style="list-style-type: none"> • Constructed by or for Council. • Installed in accordance with the relevant standards and <i>Building Code of Australia</i>. • Located on land under the control of Council. • Structural engineer's certificate required.
Landscaping, bridges, footpaths and staircases on public land	<ul style="list-style-type: none"> • Bridges to a maximum span of 5m. • Constructed by or for Council. • Designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> and AS 4100, <i>Steel structures</i>, AS 1720, <i>Timber structures</i> and AS 3600, <i>Concrete structures</i>. • Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Minor structure/building work associated with drainage and water supply on public land and road reserves	<ul style="list-style-type: none"> • Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>. • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe to the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.
Park and street furniture, shade structures, awnings, fencing, monuments, plaques, flagpoles, maintenance sheds and the like, on land under the control of Council.	<ul style="list-style-type: none"> • Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>. • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>. • Complies with AS 1428.2—1992, <i>Design for access and mobility, Part 2: Enhanced and additional requirements—Buildings and facilities</i>.
Rotunda/gazebo on public land	<ul style="list-style-type: none"> • Maximum area 40m² and maximum height 6.5m. • Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>. • Complies with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>. • Structural engineer's certificate required. • Located on land under the control of Council.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Security fences	<ul style="list-style-type: none"> • Chain-wire type fences. • Enclosure of Council owned compounds and depots.
Skate parks and court based facilities on public land	<ul style="list-style-type: none"> • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>. • Located on land under the control of Council. • Consistent with a site specific plan of management adopted by Council under the <i>Local Government Act 1993</i> that identifies the facilities and their location.
Street signs, directional signs and traffic warning signs	<ul style="list-style-type: none"> • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>. • Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.
Use of Council owned and managed public land (ie markets, circuses, camping and sporting events, and public entertainment on public reserves).	<ul style="list-style-type: none"> • Located on land under the control of Council. • Operated by or on behalf of Council, or operated by a community group in accordance with an event management plan endorsed by Council.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
	<ul style="list-style-type: none"><li data-bbox="790 633 1283 719">• Maximum 3 day event if covered by a generic plan of management under the <i>Local Government Act 1993</i>.<li data-bbox="790 725 1283 891">• If the site is covered by a site specific plan of management, the duration of the event must be in accordance with the site specific plan of management adopted by Council under the <i>Local Government Act 1993</i>.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Schedule 4 Complying development

(Clause 49A)

Development consisting of, or for the purpose of the following:	Complying development standards
---	---------------------------------

New single storey dwellings and alterations/additions to an existing single storey dwelling

Aircraft noise

- Must comply with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

Bulk and scale

- The ground floor level of the structure at any point must not be more than 500mm above natural ground level.
- The distance between the floor level and the underside of the eaves must not be more than 2.7m.
- The roof pitch must not be more than 24 degrees and any openings must be flush with the roof pitch.
- The external wall of any structure must be at least 900mm from the nearest side and rear boundary.
- The eaves may encroach up to $\frac{1}{3}$ of the depth of the side or rear boundary setback.
- Gable ends exceeding 10m² are a minimum of 900mm from the side boundary.
- Building must not exceed a single storey.

Bush fire prone land requirements

- Must comply with *Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:
General

- Building must not be relocated from another site.
- Building must not be constructed of second hand materials or zincalume.

Heritage conservation area and heritage item requirements

- Not permitted in relation to heritage items or on land within a heritage conservation area.

Landscaping

- Minimum 20% of the site must be soft landscaped (ie not a hard surface).

Privacy and security

Windows in a habitable room that are within 9m of, and allow an outlook to, a window of a habitable room in an adjoining dwelling must:

- be offset from the edge of 1 window to the edge of the other by a minimum distance of 500mm, or
- have sill heights of at least 1.7m above floor level, or
- have fixed obscure glazing in any part of the window below 1.7m above floor level, or
- have a fence no less than 1.8m high erected between the opposing windows.

Site access and parking

- Minimum of 1 parking space for each one or two bedroom dwelling and two spaces for each dwelling with three or more bedrooms and located at least 6m from the front property boundary.
- Carports and garages facing the street must not be more than 6m or 50% of the frontage width, whichever is the lesser.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following: **Complying development standards**

- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

Site coverage

- Dwelling together with any other hardstand area must not occupy more than 60% of the allotment.
- Minimum of 50m² of private open space with the principal private open space having a minimum useable area of 35m² and a minimum dimension of 4m.

Stormwater drainage

Roof stormwater run-off from dwellings and outbuildings must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or
- the rear of an existing drainage pit in the street, or
- a kerb outlet provided in the existing kerb, or
- an inter-allotment drainage line provided, or
- an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided.

No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following: Complying development standards

	<p><i>Streetscape</i></p> <ul style="list-style-type: none"> • Dwelling-house must be set back at least 6m from the front property boundary and, if located on a corner allotment, at least 3m from the property boundary on the secondary street. • Dwellings must have a front door or window to a habitable room facing the street.
	<p><i>Water and sewer</i></p> <ul style="list-style-type: none"> • Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.
Internal fit out to existing shops or commercial premises	<ul style="list-style-type: none"> • Alterations or renovations to previously completed buildings only. • Non-structural work only. • Work must not reduce light from windows or ventilation or reduce the number or size of exits or involve enclosure of open areas. • Must not create an additional occupancy.
	<p><i>Water and sewer</i></p> <ul style="list-style-type: none"> • Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.
Carport or detached garage	<p><i>Bulk and scale</i></p> <ul style="list-style-type: none"> • Maximum area 40m². • Maximum height of 3m at any point. • No enclosing walls for pergolas or carports. • Timber construction complies with AS 1684, <i>National Timber Framing Code</i>.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following:	Complying development standards
--	--

- Metal construction is of prefabricated design and erected in accordance with manufacturers' specification.
- Structure wholly within property boundaries and building line.
- There is a 900mm side boundary setback if the structure is closer than 900mm to the dwelling.

Bush fire prone land requirements

- Must comply with *Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

Heritage conservation area and heritage item requirements

- Located behind the rear alignment of the building.
- 1 only.

Site access and parking

- Carports and garages facing the street must not be more than 6m wide or 50% of the frontage width of the allotment, whichever is the lesser.
- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

Stormwater drainage

Roof stormwater run-off must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

Development consisting of, or for the purpose of the following:

-
- the rear of an existing drainage pit in the street, or
 - a kerb outlet provided in the existing kerb, or
 - an inter-allotment drainage line provided, or
 - an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided.

No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.

Water and sewer

- Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply if development includes toilet, laundry or bathroom facilities.

Swimming pool (associated with a dwelling)

Bulk and scale

- Must be located behind the dwelling and at least 6m from the front property boundary.
- Must be at least 1.5m from the side and rear boundaries.
- If located on a corner allotment, must be at least 3m from the property boundary on the secondary street.
- Coping and decking must be no more than 500mm above the existing ground level.

Privacy and security

- Noise level of any filtration equipment or pumps must not exceed 5dBA above the ambient background noise level when measured at the property boundary.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

Development consisting of, or for the purpose of the following: **Complying development standards**

Legislation and standards

- Must comply with the *Swimming Pools Act 1992*, the *Swimming Pools Regulation 1998*, and AS 1926.2—1995, *Swimming pool safety—Location of fencing for private swimming pools*.

Heritage conservation area and heritage item requirements

Subdivision for the purpose of:

- (a) widening a public road, or
- (b) adjusting a boundary between lots (other than on bush fire prone land), or
- (c) correcting an encroachment on a lot, or
- (d) consolidating lots.

- Located behind the rear alignment of the building.
- Minimum lot sizes comply with this plan.
- Services associated with a building on a lot affected by the subdivision are contained within the same lot as the building, or appropriate easements are created.
- The subdivision must not create any additional allotments.
- Boundary adjustments within Zones Nos 1 (a) and 1 (c) are to have a maximum variation of 10% for both the lot area and the location of the common boundary.

Heritage conservation area and heritage item requirements

- Boundary adjustments in heritage conservation areas must not result in more than a 5% change in area for each allotment created.
-

[3] Dictionary

Insert in alphabetical order:

building line or setback means the horizontal distance between the property boundary or other stated boundary and a building wall or the outside face of a balcony, deck or the like, or the supporting posts or a carport or verandah roof.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

bush fire prone land means land recorded as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

environmentally sensitive area of State significance means:

- (a) coastal waters of the state, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
- (e) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (f) land reserved as a State conservation area under the *National Parks and Wildlife Act 1974*, or
- (g) land, places, buildings or structures listed on the State Heritage Register, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

home-based child care or ***family day care home*** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the person providing the child care is appropriately licensed under the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children at the dwelling (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

maintenance in relation to a heritage item or a building, work, relic, tree or place within a heritage conservation area, means ongoing protective care. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

market means an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for retail sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

private open space means an area of land external to a building that is used for private outdoor purposes ancillary to the use of the building.

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

public land means any land (including a public reserve) vested in or under the control of Council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

site coverage means the proportion of a site area covered by buildings. However:

- (a) in relation to residential development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Schedule 1 Amendments

- (ii) pedestrian awnings adjoining the street frontage,
- (iii) eaves, and
- (b) in relation to commercial development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,
 - (ii) pedestrian awnings adjoining the street frontage,
 - (iii) unenclosed pedestrian decks adjoining the street frontage,
 - (iv) transparent or translucent roof structures over a landscaped area.

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include the following:

- (c) a spa bath,
- (d) anything that is situated within a bathroom,
- (e) anything declared by the regulations under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

Department of Primary Industries

COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of Members of Coal Competence Board

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources appoint Ian Malcolm MURRAY and Keith SHAW as members to the Coal Competence Board pursuant to Section 132 (1) (c) of the Coal Mine Health and Safety Act 2002 commencing on the date of this appointment instrument and expiring on 30 June 2009.

Dated this 10th day of April 2007.

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

COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of Members of Coal Competence Board

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources appoint David Samuel MELLOWS and Robert Gavin TAYLOR as members to the Coal Competence Board pursuant to Section 132 (1) (b) of the Coal Mine Health and Safety Act 2002 commencing on the date of this appointment instrument and expiring on 30 June 2009.

Dated this 10th day of April 2007.

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

EXHIBITED ANIMALS PROTECTION ACT 1986

Appointment of Member

Exhibited Animals Advisory Committee

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 6 (3) and 6 (4) (f) of the Exhibited Animals Protection Act 1986, appoint:

Mr Paul METCALFE

to the Exhibited Animals Advisory Committee, from 23 December 2006 to the date hereof.

Dated this 10th day of April 2007.

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

EXHIBITED ANIMALS PROTECTION ACT 1986

Appointment of Member

Exhibited Animals Advisory Committee

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 6 (3) and 6 (4) (f) of the Exhibited Animals Protection Act 1986, appoint:

Mr Paul METCALFE

to the Exhibited Animals Advisory Committee, from the date hereof until 22 December 2009.

Dated this 10th day of April 2007.

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

FISHERIES MANAGEMENT ACT 1994

Notification under Section 163 (7) of the Fisheries Management Act 1994 and clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

Notice of Receipt of Application for Aquaculture Lease

NSW Department of Primary Industries (DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is Crookhaven River, described as follows:

- Approx 2.3841 hectares over former oyster lease OL69/455 (AL06/007, if granted)

DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL06/007 to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation and Aquaculture Branch, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,
Director, Fisheries Conservation and Aquaculture,
Department of Primary Industries

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Revocation of Appointments and Appointment

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries pursuant to section 22 (1) of the Gene Technology (GM Crop Moratorium) Act 2003 ('the Act') hereby:

- (a) revoke the appointment of Nicholas ANNAND, Peter DALEY and Richard LANDON, as Inspectors under the Act signed by the Director-General NSW Department of Agriculture on 16 September 2003;
- (b) revoke the appointment, of Ross TYALOR, as an Inspector under the Act, published in New South Wales Government Gazette No.58 dated 28 April 2006 at page 2449; and

- (c) appoint Ross TAYLOR as an Inspector under the Act.

Dated this 1st day of May 2007.

B. D. BUFFIER,
Director-General,
Department of Primary industries

SCHEDULE

Robert DEAN
Diane BAGLIN
Debbie SIMS

Dated this 1st day of May 2007.

B. D. BUFFIER,
Director-General,
Department of Primary industries

OCCUPATIONAL HEALTH AND SAFETY ACT 2000

Appointment of Inspectors under Section 47A

I, ALAN COUTTS, Deputy Director-General, Department of Primary Industries Mineral Resources, pursuant to section 47A of the Occupational Health and Safety Act 2000 ("the Act"):

- (a) hereby revoke the appointment, published in New South Wales Government Gazette No. 135 of 10 November 2006 at page 9549, of Janet TOWN and Robert Alan JAY as Inspectors under the Act; and
- (b) appoint the persons listed in column A of the Schedule below as Inspectors subject to the limitation described in column B, from date of appointment.

"Function" includes duty or power.

Dated this 24th day of April 2007.

ALAN COUTTS,
Deputy Director General Mineral Resources,
Department of Primary Industries
(by delegation)

SCHEDULE

<i>Column A</i> <i>Name of Person</i>	<i>Column B</i> <i>Limitation of Appointment</i> <i>(functions outside Inspectors</i> <i>powers)</i>
Owen Stuart BARRY	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Raymond Charles COX	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Bernard William GITTINS	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Robert Alan JAY	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Janet TOWN	Functions of an Inspector under section 32B, section 106 and section 108 of the Act

PLANT DISEASES ACT 1924

Appointment of Inspectors

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 11 (1) of the Plant Diseases Act 1924 ("the Act"), appoint the persons named in Schedule as inspectors under the Act.

PLANT DISEASES ACT 1924

Appointment of Inspectors

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 11 (1) of the Plant Diseases Act 1924 ("the Act") appoint the persons named in Schedule as inspectors under the Act:

SCHEDULE

Stephen HADEN
Rick SHEERS
Matthew CONNOLLY
Mark CLEMENTSON

Dated this 30th day of April 2007.

B. D. BUFFIER,
Director-General,
Department of Primary industries

PLANT DISEASES ACT 1924

OR94: Order under Section 13A

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 13A of the Plant Diseases Act 1924, believe that this Order is necessary in order to avoid an adverse effect on trade in fruit and by this Order I hereby:

- (a) from 15 May 2007, authorise an inspector to enter all land or premises with a frontage to or access from a street which is within an urban 60 km an hour or less speed limit zone in the towns specified in Schedule 1 to carry out the fruit fly treatment specified in Schedule 2, to control the pest Queensland Fruit Fly, and
- (b) provide that the process for objecting to the carrying out of fruit fly treatment is as specified in Schedule 3.

SCHEDULE 1

Specified Towns

Barellan	Goolgowi	Mathoura
Barham	Griffith	Merriwagga
Barooga	Grong Grong	Menindee
Berrigan	Hay	Moama
Broken Hill	Hillston	Mulwala
Corowa	Howlong	Narrandera
Darlington Point	Jerilderie	Tocumwal
Deniliquin	Kamarah	Wamoon
Finley	Leeton	Yanco
		Yenda

SCHEDULE 2

Fruit Fly Treatment

In this Order:

fruit fly treatment means any one or a combination of the following:

- (a) Fruit fly bait spraying: A registered insecticide plus protein autolysate extract is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered insecticide is Hy-Mal® that has the active constituent "maldison". The protein autolysate extract is Natfl av 500®. Australian Pesticides and Veterinary Medicines Authority permit number: PER7364.
- (b) Cover spray of fruit trees: A registered insecticide spray is applied to the plant foliage and fruit on fruit trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The registered insecticide is Lebaycid® that has the active constituent "fenthion".
- (c) The release of sterile Queensland Fruit Fly.

SCHEDULE 3

Objection to Fruit Fly Treatment
Authorised by this Order

1. An occupier of land or premises on which fruit fly treatment is authorised by this Order to be carried out may object to the carrying out of the fruit fly treatment.
2. An objection must:
 - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
 - (b) identify the property concerned and state the name and contact details of the person objecting.
3. An objection will only be considered if it is:
 - (a) received by the Regional Director DPI Relations South West, NSW Department of Primary Industries, Private Mail Bag, Yanco NSW 2703, by 4:00 pm on 14 May 2007, or
 - (b) delivered to an inspector who, for the purpose of carrying out the fruit fly treatment, has entered the land or premises of the person objecting to the fruit fly treatment being carried out.
4. An objection received under paragraph 3 (a) of Schedule 3 but not within the time specified in that paragraph, may be considered before the time that an inspector attends a property to carry out the fruit fly treatment.

Note: This Order remains in force for 6 months from the date it is made.

Dated this 1st day of May 2007.

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

STOCK DISEASES ACT 1923

Appointment of Inspector

Notification No.: 472

I, BARRY DESMOND BUFFIER, Director-General of NSW Department of Primary Industries, pursuant to section 6 (1) of the Stock Diseases Act 1923, ("the Act") appoint Warwick Walter STORM as an Inspector for the purposes of the Act.

Dated this 30th day of April 2007.

B. D. BUFFIER,
Director-General,
Department of Primary industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(07-185)

No. 3080, CONARCO MINERALS PTY LTD (ACN 102 750 890), area of 100 units, for Group 1, Group 2, Group 3 and Group 6, dated 24 April 2007. (Armidale Mining Division).

(07-186)

No. 3081, ISABELLA MINERALS PTY LTD (ACN 125 035 841), area of 33 units, for Group 1, dated 24 April 2007. (Orange Mining Division).

(07-188)

No. 3082, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), area of 164 units, for Group 1, dated 26 April 2007. (Sydney Mining Division).

(07-189)

No. 3083, ELLEMBY RESOURCES PTY LIMITED (ACN 096 401 932), area of 86 units, for Group 1, dated 27 April 2007. (Broken Hill Mining Division).

(07-190)

No. 3084, TASMAN GOLDFIELDS NSW PTY LTD (ACN 124 228 473), area of 6 units, for Group 1, dated 30 April 2007. (Wagga Wagga Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(06-84)

No. 2667, now Exploration Licence No. 6746, OROYA MINING LIMITED (ACN 009 146 794), County of Dampier, Map Sheet (8925), area of 100 units, for Group 1, dated 5 April 2007, for a term until 4 April 2009.

(06-4209)

No. 2913, now Exploration Licence No. 6757, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), County of Fitzgerald, Map Sheet (7536, 7537), area of 18 units, for Group 1, dated 19 April 2007, for a term until 18 April 2009.

(07-77)

No. 2977, now Exploration Licence No. 6750, DAVID CHARLES PRENDERGAST AND TREVOR PRENDERGAST, County of Oxley, Map Sheet (8334), area of 4 units, for Group 1, dated 17 April 2007, for a term until 16 April 2009.

MINING LEASE APPLICATION

(06-33)

Singleton No. 293, now Mining Lease No. 1592 (Act 1992), BENGALLA MINING COMPANY PTY LIMITED (ACN 053 909 470), Parish of Clanricard, County of Brisbane, Map Sheet (9033-2-N), area of 1.04 hectares, to mine for coal, dated 19 April 2007, for a term until 19 April 2028. As a result of the grant of this title, Assessment Lease No. 13 (Act 1992) has partly ceased to have effect.

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

NOTICE is given that the following application has been refused:

PETROLEUM APPLICATION

(07-422)

No. 81 lodged by GUNNEHAH GAS PTY LTD (ACN 115 880 772) over 140 blocks in the (Orange Mining Division). Refusal took effect on 24 April 2007.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(07-176)

No. 3071, ELLEMBY RESOURCES PTY LIMITED (ACN 096 401 932), County of Evelyn and County of Tongowoko, Map Sheet (7238, 7338). Withdrawal took effect on 27 April 2007.

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

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

(T92-0436)

Exploration Licence No. 4512, WESTERN PLAINS RESOURCES LTD (ACN 109 426 502), area of 27 units. Application for renewal received 27 April 2007.

(C03-0101)

Exploration Licence No. 4575, MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) AND SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), area of 960.6 hectares. Application for renewal received 20 April 2007.

(05-167)

Exploration Licence No. 6425, LADY BURBETT MINING PTY LIMITED (ACN 109 556 158), area of 19 units. Application for renewal received 26 April 2007.

(T01-0456)

Mining Purposes Lease No. 287 (Act 1973), VERNON JOHN MARRIOTT, area of 1.351 hectares. Application for renewal received 30 April 2007.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T03-1107)

Mining Purposes Lease No. 183 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 1.25 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1108)

Mining Purposes Lease No. 184 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 4.43 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1109)

Mining Purposes Lease No. 185 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 1.39 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1110)

Mining Purposes Lease No. 186 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 4852 square metres, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

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

Roads and Traffic Authority

ROADS ACT 1993

Order -Sections 46, 49, 54 and 67

Goulburn Mulwaree Council area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of the Federal Highway at Yarra

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order:-

1. dedicate as public road the land described in Schedule 1 under;
2. declare to be a main road the said public road described in Schedule 1 and the public road described in Schedule 2 under;
3. declare to be a controlled access road the said main road described in Schedules 1 and 2;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 3 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE 1

ALL those pieces or parcels of land situated in the Goulburn Mulwaree Council area, Parish of Wologorong and County of Argyle shown as:

Lots 4, 5 and 6 Deposited Plan 1072073.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown in RTA Plan 0003 297 AC 4003.

SCHEDULE 2

ALL those pieces or parcels of public road situated in the Goulburn Mulwaree Council area, Parish of Wologorong and County of Argyle shown as:

Lot 24 Deposited Plan 261591; and

Lot 200 in RTA Plan 0003 297 AC 4003.

The above Lots are shown in RTA Plan 0003 297 AC 4003.

SCHEDULE 3

Between the points A2 and B2 shown in RTA Plan 0003 297 AC 4003.

(RTA Papers 3/297.112 Pt 5)

ROADS ACT 1993

Order -Sections 46, 49, 54 and 67

Bega Valley Shire Council area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of the Princes Highway between Frogs Hollow and Wolumla

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order:-

1. dedicate as public road the land described in Schedule 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE 1

ALL that piece or parcel of land situated in the Bega Valley Shire Council area, Parish of Kameruka and County of Auckland shown as:

Lot 3 Deposited Plan 1000509.

The above Lot comprises the whole of the land in the correspondingly numbered Certificate of Title and is shown in RTA Plan 0001 032 AC 4003_1.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Bega Valley Shire Council area, Parishes of Kameruka and Wolumla and County of Auckland shown as:
Lots 42, 43, 44, 47, 48 and 49 Deposited Plan 787823;

Lot 16 Deposited Plan 1000381;

Lots 57, 58 and 60 Deposited Plan 787824;

Lot 6 Deposited Plan 584801;

Lots 11 to 15 inclusive Deposited Plan 252441;

Lots 8, 9 and 10 Deposited Plan 252443;

Lots 9, 10 and 11 Deposited Plan 252442; and

Lots 2 and 4 to 13 inclusive Deposited Plan 250630.

The above Lots are all shown in RTA Plans 0001 032 AC 4003_1 and_2.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Bega Valley Shire Council area, Parishes of Kameruka and Wolumla and County of Auckland shown as:

Lots 39 and 40 Deposited Plan 787823;

Lot 17 Deposited Plan 1000381;

Lots 100 and 101 in RTA Plan 0001 032 AC 4003_1 (sheet 1);

Lot 1 Deposited Plan 552683;

Lot 5 Deposited Plan 584801;

Lots 102, 103 and 104 in RTA Plan 0001 032 AC 4003_1 (sheet 2);

Lots 105 to 108 inclusive in RTA Plan 0001 032 AC 4003_2 (sheet 1);

Lots 1 and 3 and 24 to 28 inclusive Deposited Plan 250630;

Lots 109 to 111 inclusive in RTA Plan 0001 032 AC 4003_2 (sheet 2); and

Lots 3 to 24 inclusive Deposited Plan 250882.

The above Lots are all shown in RTA Plans 0001 032 AC 4003_1 and_2.

SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K;

between the points L and M; and

between the points N and P, all shown in RTA Plans 0001 032 AC 4003_1 and_2.

(RTA Papers 1/32.1418 Pt 2)

ROADS ACT 1993

Order - Section 31

Fixing or Varying of Levels of part of the Pacific Highway north of Taree in the Kempsey Shire Council area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of Highway No 10 – Pacific Highway between 112.68 km to 113.46 km north of Taree, as shown on Roads and Traffic Authority Plan No 0010.235MW6380.

Renae Elrington
A/Project Services Manager
Roads and Traffic Authority of New South Wales
31 Victoria Street
Grafton NSW 2460

(RTA Papers FPP 235.5357; RO PM A/00510.11/10)

Other Notices

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977 to MidCoast Water to designate, advertise and recruit a position as a Trainee Water Industry Operator for a person of Aboriginal or Torres Strait Islander descent.

This exemption will remain in force for a period of five (5) years from the date given.

Dated this 18th day of April 2007.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 54

TAKE notice that the incorporation of the following associations are cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Gold Star Social Sports Club Incorporated
Inc9875949

Islamic Youth Movement Incorporated Y2557312
Bankstown Chamber of Commerce and Industry Inc
Y1283529

Islamic Heritage Association of Australia
Incorporated Y2109101

N.S.W. War Widows Association Incorporated
Inc9885333

Marthoma Church Sydney Incorporated Y2797825

Dated: 27 April 2007.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

DISTRICT COURT CRIMINAL PRACTICE NOTE 6

Sexual Assault Case List

THE purpose of this Practice Note is to create separate lists for sexual assault cases coming before the District Court to ensure all such cases are kept under close management and are dealt with as expeditiously as possible.

1. Each Registry of the Court should maintain a separate list of cases involving sexual assault charges. The list should indicate when the matter was committed for trial. In the callovers to list trials and monitor the status of trials, these cases should be called over as a separate section of the general list. Matters involving a child complainant should be identified and given priority over matters involving adult complainants.
2. In fixing these cases for trial they should wherever possible be listed for trial within four months of the date of committal for trial but in no case later than six months

from committal. The longer period of six months is only to make allowance for country areas where the Court sits on a circuit basis. Generally the Court has the capacity to list cases within the four month period and if Registry Managers have difficulties in listing such cases within the specified time standards, they should communicate with the Manager, Criminal Listings and Judicial Arrangements, in Sydney because any appropriate cases can be transferred to Sydney or Sydney West where early dates are always available.

In sexual assault cases the impact on the complainant will be a primary consideration. Counsel accepting a brief to appear in these cases in committal proceedings should do so on the basis that they will be able to appear in the trial within four months after committal for trial.

3. If there should occur a situation where a particular Court has more trials listed in the week than can be accommodated, priority should be given to sexual assault cases being heard subject only to cases where an accused is in custody solely on some other charge. Care should be taken when listing country circuits not to over list sexual assault matters where this could result in the cases not being reached.
4. In the management of sexual assault cases every effort should be made to identify when a complainant will be required to give evidence in order to avoid unnecessary anxiety in the complainant.
5. In cases involving charges of sexual assault, complainants who are required to give evidence are often anxious about the trial process, the need to confront the accused, give evidence and be cross-examined. The level of that anxiety naturally increases as the trial approaches and can be expected to reach its highest level on the day of trial.

When the case is adjourned on the day of trial or the accused pleads guilty on the day of trial, that anxiety is not avoided.

Practitioners should notify the Court as soon as possible of an intention to seek to vacate the trial or to enter a plea of guilty. This can be done by listing the case for mention before the trial date (see Practice Note 5). It can also be done by letter, facsimile or email. This is to ensure there is a record of the notification. A copy of any such notification should also be sent to the prosecution.

Where no such notification is received prior to the trial date, the Court record will reflect this and if the plea is on the day of trial that will normally be taken into consideration when passing sentence.

6. During the course of sexual assault trials it is desirable to provide some certainty to complainants as to when they will give evidence and where possible the giving of evidence should be arranged accordingly.
7. Generally speaking it is not appropriate for a sexual assault trial to commence unless a daily transcript is available. Appropriate arrangements should be made with Reporting Services Branch to ensure in advance that a daily transcript will be available.

Dated 27 April 2007.

The Hon Justice R. O. BLANCH,
Chief Judge

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Determine Address Locality Names and Boundaries within the Richmond Valley Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to define the address locality names and boundaries in the Richmond Valley Local Government Area as shown on map GNB3746-1.

The following fifty three names are proposed for address localities as shown on map GNB3746-1:

Backmede, Banyabba, Bentley, Bora Ridge, Broadwater, Bungawalbin, Busbys Flat, Camira, Casino, Clearfield, Clovass, Coombell, Codrington, Coraki, Dobies Bight, Doonbah, East Coraki, Ellangowan, Esk, Evans Head, Fairy Hill, Gibberagee, Greenridge, Hogarth Range, Irvington, Kippenduff, Leeville, McKees Hill, Mongogarrie, Mount Marsh, Myrtle Creek, Naughtons Gap, New Italy, North Casino, Piora, Rappville, Rileys Hill, Shannon Brook, Six Mile Swamp, Spring Grove, Stratheden, Swan Bay, Tabbimoble, Tatham, Upper Mongogarrie, West Bungawalbin, West Coraki, Whiporie, Woodburn, Woodview, Wyan, Yorklea

Map GNB3746-1 may be viewed at the Richmond Valley Council Administration Centres at the corner of Walker Street and Graham Place, Casino and at the corner of Woodburn Street and School Lane, Evans Head, the Richmond Upper Clarence Regional Libraries at Graham Place, Casino, Oak Street, Evans Head, Union Street, Coraki and at the Community Hall, Broadwater from Thursday 3 May 2007 until Friday 8 June 2007.

A copy of map GNB3746-1 will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may prior to 7 June 2007 write to the Secretary of the Geographical Names Board with that comment. This proposal may also be viewed and submissions lodged on the Geographical Names Board website at www.gnb.nsw.gov.au during the one month consultation period.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 7 (1) of the Geographical Names Act 1966, the Geographical Names Board has this day re-assigned the geographical names listed hereunder in the Sutherland Shire Local Government Area with the following designations.

<i>Name</i>	<i>Current Designation</i>	<i>Proposed New Designation</i>
Audley	Locality	Rural Place
Birniemere	Locality	Historical Place
Bonnie Vale	Locality	Rural Place
Calala	Locality	Rural Place
Caravan Head	Locality	Urban Place

<i>Name</i>	<i>Current Designation</i>	<i>Proposed New Designation</i>
Curracurrang	Locality	Rural Place
Curracurrong	Locality	Rural Place
Curra Moors	Locality	Moor
Deer Park	Locality	Rural Place
Fern Tree Flat	Locality	Flat
Fig Tree Flat	Locality	Flat
Flat Rock Crossing	Locality	Rural Place
Forest Island	Locality	Rural Place
Fosters Flat	Locality	Flat
Garie	Locality	Rural Place
Giles Junction	Locality	Rural Place
Gundamaian	Locality	Rural Place
Holtmere	Locality	Historical Place
Jersey Springs	Locality	Rural Place
Lady Carrington Bower	Locality	Rural Place
Little Forest	Locality	Rural Place
Lower Peach Trees	Locality	Rural Place
Mcdonald Flat	Locality	Flat
Morella Karong	Locality	Rural Place
Murphy Heights	Locality	Rural Place
Pass of Sabugal	Locality	Pass
Quibray	Locality	Rural Place
Reids Flat	Locality	Flat
Robertson Grove	Locality	Rural Place
Tall Timbers	Locality	Rural Place
The Cobblers	Locality	Rural Place
The Meadows	Locality	Rural Place
The Needles	Locality	Rural Place
The Waterrun	Locality	Rural Place
Thorps Forest	Locality	Rural Place
Upper Peach Trees	Locality	Rural Place
Walkers Garden	Locality	Rural Place
Warumbul	Locality	Rural Place
Wattamolla	Locality	Rural Place
Wattle Forest	Locality	Rural Place
White Poplars	Locality	Rural Place
Audley	Locality	Rural Place

Also pursuant to the provisions of section 14 (2) of the Geographical Names Act 1966, the Geographical Names Board has this day discontinued the geographical names listed hereunder in the Sutherland Shire Local Government Area:

Heathcote Heights, formally designated as a locality and Port Hacking, formally designated as a suburb.

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 Boards website at www.lpi.nsw.gov.au/geog/.

WARWICK WATKINS,
Chairman

Geographical Names Board,
PO Box 143, Bathurst 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Determination of Address Locality Names and Boundaries within the Western Lands Unincorporated Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day determined address locality names and boundaries in the Western Lands Unincorporated Area as shown on map GNB5101.

The fourteen names assigned for address localities as shown on map GNB5101 are: Broken Hill, Broughams Gate, Fowlers Gap, Little Topar, Menindee, Milparinka, Mutawintji, Packsaddle, Pooncarie, Scotia, Silverton, Tibooburra, Wanaaring and White Cliffs.

The position and extent for these feature is shown in the Geographical Names Register which can be viewed on the Board's internet site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment of Address Locality Boundaries within the Shellharbour Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the address locality boundaries of Tullimbar and Yellow Rock in the Shellharbour Local Government Area as shown on map GNB2535-1-A.

The position and extent for these feature is shown in the Geographical Names Register which can be viewed on the Board's internet site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

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

HOUSING ACT 2001

Dedication of Land as Public Resetrve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34 (3) and 34 (4) of the Housing Act 2001 that the lands described in the Schedule below are dedicated as Public Reserves and vested in the Council of the Shire of Wyong.

Dated this eighteenth day of April 2007.

KEN BONE,
Acting Manager,
Resitech

SCHEDULE

The land shown as Lot 7234 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 812773.

The land shown as Lot 900 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 786123.

The land shown as Lot 204 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 777430.

The land shown as Lot 190 on the plan of land at Killarney Vale in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 794185.

LOCAL GOVERNMENT REMUNERATION TRIBUNAL

2007 Annual Review

Preamble:

On 13 December 2006 the Governor of NSW appointed a new Local Government Remuneration Tribunal. The former Tribunal, the Hon Charles Cullen QC had held the office since the creation of the Tribunal under the Local Government Act 1993 and was the architect of the current classification and remuneration scheme. This Tribunal wishes to state publicly its appreciation for the work of Mr Cullen for the past 13 years in formalising the categorisation and remuneration arrangements for Local Councils and Shires in New South Wales. The Tribunal having read Mr Cullen's previous Reports and Determinations considers the scheme which he introduced to be flexible enough to require no significant change.

GENERAL:

1. Pursuant to Section 241 of the Local Government Act 1993 (the Act) the Local Government Remuneration Tribunal hereby determines the categories for Councils, County Councils and mayoral officers and the maximum and minimum amount of fees to be paid to mayors and Councillors of Councils, as well as chairpersons and members of County Councils.
2. On 17 January 2007 the Tribunal wrote to all Mayors advising the commencement of the 2007 annual review. In respect of this review the Tribunal stated that:

"...The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. As in previous years the Tribunal will consider as part of this review the main economic indicators and any submissions you wish to make on the matter.

Categorisation

In accordance with Section 239 of the Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. Categories of councils and mayoral office were last determined by the Tribunal in 2006. As outlined in the report and determination of 19 April 2006, the Tribunal determined that Category 5 councils should be merged with Category 4 Councils and that Category 5 would be abolished. The Tribunal found that the remaining existing categories were still appropriate and determined no further changes.

The Tribunal does not intend to undertake a further review of categories during the 2007 review. The Tribunal will review the categories of Councils again as part of the 2009 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils."

3. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations in similar terms, and subsequently met with the Presidents. The Tribunal wishes to place on record its appreciation to the Presidents for making time to see the Tribunal.
4. The LGSA has again provided a submission on fees and related matters. In addition the LGSA commissioned a survey of Councillors undertaken by consultants and has provided the recommendations arising from that survey. These are summarised hereunder:

- a. The Tribunal provide an appropriate increase in fees to reduce the impact of financial hardship.
 - b. The Tribunal increase fees to reflect the time commitment, increased complexity of issues, and Councils ability to attract and retain high calibre and experienced candidates for office.
 - c. That a mechanism be established to ensure that future determinations of fees for Mayors and Councillors are adjusted regularly and on an equitable basis.
 - d. To align with the practice of external boards of directors, Councillor fee be equivalent to 50% of total Mayor remuneration.
 - e. Mayoral fees be set as a percentage of MPs salaries. In the case of 1A and S2 Mayors to receive 80% of MPs salary.
 - f. An amendment to the Act to allow for an additional allowance for Councillors who act in the office of Mayor when the Mayor is on leave or otherwise.
 - g. An additional allowance for Councillors who take on the role of chairing one or more of the formal sub-committees of Council.
5. The LGSA also submitted that the Tribunal did not properly address its submission of 25 August 2005 regarding Category 3 Councils, particularly those which could be categorized as "regional centres."
 6. The Tribunal has examined its previous records concerning this matter and notes that the Tribunal has, in its 2006 Report, considered the issues raised in the LGSA's submission and those of other Category 3 Councils in making its assessment. The reference to the LGSA not addressing the criteria appears to have been misunderstood, as the questions referred to concerned Councils in Categories 1,1A and Special Category 2 whereas the thrust of the LGSA submission referred to Category 3 Councils.
 7. In respect of the recommendations arising from the Consultants survey the Tribunal provides the following comment.
 8. The Tribunal sets fees for Councillors and Mayors. These fees, as has been stated in previous reports, are not salaries: they are essentially to provide some compensation to Councillors for the time and effort they spend on Council business. Councillors and Mayors are elected. Applicants who aspire to such civic office do so voluntarily. The fees payable are published and are generally known when an applicant stands for office. The Tribunal does not, therefore, see a need to provide an increase in fees to alleviate financial hardship.
 9. As Council representation is voluntary and Councillors are elected to office, the Tribunal does not consider it is appropriate to equate the office of Councillor with a position in paid employment. The Survey itself confirmed, when dealing with responses to the question of reasons for becoming a Councillor, that 81 percent of respondents stated that it was to perform a civic duty whereas 1.4 percent responded that it was for remuneration and reward. The Tribunal does accept the proposition put by the LGSA that these responses do not mean that the fees are necessarily appropriate for the role and responsibilities of Councillors. However the Tribunal notes that fees were not the motivator for people wishing standing for election to Local Government.
 10. The Tribunal also considers the proposal to align fees based on the example of Company Boards to be inappropriate. Company Board representatives are individually selected for the particular skills they bring to the Board whereas Councillors are elected based on a particular platform or party allegiance. Given the large number of Councillors in Local Government and the wide variety of skills, attributes and abilities of Councillors the Tribunal is not convinced that the suggested approach to fee setting for Councillors is appropriate.
 11. The Tribunal is aware that the argument about the equity of the fee structure and its low base has been raised by the LGSA in the past and has been resisted by the Tribunal. The Tribunal is prepared to reexamine this matter but in the time available cannot do so under the current review.
 12. The Tribunal therefore will undertake a review of the fee levels as part of the 2008 review to determine whether the current arrangements are adequate or whether changes need to be made. The Tribunal notes that the 2004 LGSA submission dealt with the changing nature of the activities involved but that submission may need to be updated by LGSA for 2008.
 13. The LGSA's report has also recommended that the fees for Mayors be set at a percentage of the salary of a State Member of Parliament. For mayors in 1A and S2 the report recommends a fee set at 80 percent of a Member's salary. This issue of a nexus with MPs salaries also has been raised in the past and has been dismissed by the Tribunal.
 14. The Tribunal notes that there are 152 Mayors whereas there are 93 Members of the Legislative Assembly. The Tribunal also notes that Mayors are assisted by up to 12 Councillors as well as the General Manager and staff of the Council. The Tribunal cannot readily perceive any appropriate nexus between the fees of MPs and Mayors. However if this issue is presented again as part of the 2008 review, the Tribunal will look at it again.
 15. The Tribunal has also had regard to submissions received from other Councils in relation to fees but the issues they raise have to a greater or lesser extent been discussed in connection with the LGSA submission.
 16. Recommendations regarding allowances are beyond the statutory authority of the Tribunal. Any move to alter the Tribunal's jurisdiction would not properly come from the Tribunal.
 17. The Tribunal received a number of submissions seeking recategorisation. As noted above the Tribunal will again consider the issue of categorisation as part of the 2009 Annual Review and all Councils and the LGSA will be offered the opportunity to make submissions at that time. The Tribunal has noted that the 2005 LGSA submission dealt with this issue, but with the passage of time it may be that fresh submissions would be appropriate in 2009.
 18. The Tribunal has reviewed the current economic data including cost of living figures. The Tribunal has also noted that since the Tribunal's last determination, State public servants and other office holders have received annual increases of 4 percent and that Members of Parliament received an increase of 7 percent. The Tribunal, after considering the above and, after taking

the views of the Assessors into account, considers that an increase of four (4) percent in the fees for Councillors and Mayors is appropriate and so determines.

Local Government Remuneration Tribunal

HELEN WRIGHT

Dated: 30 April 2007

DETERMINATION PURSUANT TO SECTION 242
OF CATEGORIES OF COUNCILS AND COUNTY
COUNCILS EFFECTIVE FROM 1 JULY 2007

Category S1 (1 Council) Sydney

Category S2 (3 Councils) Newcastle
Parramatta
Wollongong

Category S3 County Councils

Category S4 County Councils
(engaged in significant commercial activities)

Category 1A (2 Councils)

Blacktown
Penrith

Category 1. (16 Councils)

Bankstown Liverpool
Baulkham Hills North Sydney
Campbelltown Randwick
Fairfield Ryde
Gosford Sutherland
Hornsby Warringah
Hurstville Willoughby
Lake Macquarie Wyong

Category 2. (21 Councils)

Ashfield Lane Cove
Auburn Leichhardt
Botany Manly
Burwood Marrickville
Camden Mosman
Canada Bay Pittwater
Canterbury Rockdale
Holroyd Strathfield
Hunters Hill Waverley
Kogarah Woollahra
Ku ring Gai

Category 3. (32 Councils)

Albury City Greater Taree
Armidale Dumaresq Griffith
Ballina Hastings
Bathurst Regional Hawkesbury
Bega Valley Kempsey
Blue Mountains Lismore
Broken Hill Maitland
Byron Orange
Cessnock Pt Stephens
Clarence Valley Shellharbour
Coffs Harbour Shoalhaven
Dubbo Tamworth Regional
Eurobodalla Tweed Heads
Gt Lakes Wagga Wagga
Goulburn Mulwaree Wingecarribee
Queanbeyan Wollondilly

Category 4. (77 Councils)

Balranald Glen Innes Severn Narromine
Bellingen Gloucester Palerang

Berrigen Greater Hume
Bland Gundagai
Blayney Gunnedah
Bogan Guyra
Bombala Gwydir
Boorowa Harden
Bourke Hay
Brewarrina Inverell
Cabonne Jerilderie
Carrathool Junee
Central Darling Kiama
City of Lithgow Kyogle
Cobar Lachlan
Conargo Leeton
Coolamon Liverpool Plains
Cooma-Monaro Lockhart
Coonamble Mid-Western Regional Warren
Cootamundra Moree Plains Warrumbungle
Corowa Murray Weddin
Cowra Murrumbidgee Wellington
Deniliquin Muswellbrook Wentworth
Dungog Nambucca Yass Valley
Forbes Narrabri Young
Gilgandra Narrandera

TOTAL GENERAL PURPOSE COUNCILS 152

Category S3 (10 Councils)

Castlereagh – Macquarie Richmond River
Central Murray Southern Slopes
Far North Coast Upper Hunter
Hawkesbury River Upper Macquarie
New England Weeds

Category S4 (6 Councils)

Central Tablelands Riverina Water
Goldenfields Water Rous
MidCoast

TOTAL COUNTY COUNCILS 14

DETERMINATION PURSUANT TO SECTION 242
OF FEES FOR COUNCILLORS AND MAYORS

Pursuant to section 242 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, members and chairpersons of County Councils effective on and from 1 July 2007 are determined as follows:

	<i>Councillor/Member Annual Fee</i>		<i>Mayor/Chairperson Additional Fee*</i>	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Category 4	6,610	8,715	7,020	19,035
Category 3	6,610	14,540	14,050	31,740
Category 2	6,610	14,540	14,050	31,740
Category 1	9,905	18,510	21,070	49,165
Category 1A	13,215	21,805	28,090	63,560
S4	1,320	7,270	2,815	11,940
S3	1,320	4,360	2,815	7,935
S2	13,215	21,805	28,090	63,560
S1	19,830	29,080	121,305	159,620

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (section 249 (2)).

Local Government Remuneration Tribunal

HELEN WRIGHT

Dated: 30 April 2007

PUBLIC LOTTERIES ACT 1996

Rules – Lotto

I, The Honourable GRAHAM WEST, M.P., Minister for Gaming and Racing, being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as “the Act”), pursuant to section 23 of the Act DO HEREBY APPROVE the amendments to the Rules for the conduct by New South Wales Lotteries Corporation, a Corporation constituted under section 5 of the New South Wales Lotteries Corporatisation Act 1996, of Games of Lotto and Games of Promotional Lotto as attached to this notice. These amended Rules take effect on and from 5 May 2007.

Dated this 2nd day of May 2007.

The Honourable GRAHAM WEST, M.P.,
Minister for Gaming and Racing

PUBLIC LOTTERIES ACT 1996

Lotto Rules

IT is hereby notified that the Minister administering the Public Lotteries Act 1996, has approved of the following amendments to the Rules for the conduct of the Game of Lotto and Promotional Lotto. In accordance with section 23(3)(b) of the Act, these Rules take effect on and from 5 May 2007.

Rule 12 (f), Division 1 (i):

Delete the number “27.2%” and replace with “28%”.

Rule 12 (f), Division 1 (ii)(A):

Delete the number “27.2%” and replace with “28%”.

Rule 12 (f), Division 2:

Delete the number “6.45%” and replace with the number “6.3%”.

Rule 12 (f), Division 3:

Delete the number “12.15%” and replace with the number “11.9%”.

Delete the number “18.6%” and replace with the number “18.2%”.

Rule 12 (f), Division 4:

Delete the number “20.85%” and replace with “20.6%”.

Rule 12 (f), Division 4(i):

Delete the number “33%” and replace with “32.5%”.

Rule 12 (f), Division 4(ii):

Delete the number “39.45%” and replace with “38.8%”.

Rule 12 (f), Division 5:

Delete the number “33.35%” and replace with “33.2%”.

Rule 12 (f), Division 5(i):

Delete the number “54.2%” and replace with “53.8%”.

Rule 12 (f), Division 5(ii):

Delete the number “66.35%” and replace with “65.7%”.

Rule 12 (f), Division 5(iii):

Delete the number “72.8%” and replace with “72.0%”.

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

BEGA VALLEY SHIRE COUNCIL

Road Naming Rilys Road, Coolagolite

NOTICE is hereby given that the Bega Valley Shire Council pursuant to section 162 (1) of the Roads Act 1993 has renamed:

The road previously known as Rileys Road in Coolagolite is known now as Rilys Road.

Authorised by Council on the 13 March 2007. DAVID JESSON, Bega Valley Shire Council, PO Box 492, Bega NSW 2550. [3199]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

<i>Description</i>	<i>Name</i>
Section of the Old Pacific Highway, between Glenn Ora Road and Minimbah Road, Nahiatic.	MacKinnon Road, Nahiatic.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [3200]

MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:

<i>Deposited Plan</i>	<i>Location</i>	<i>Road Name</i>
DP 703265	Off Cessnock Road, Gillieston Heights	Champion Crescent
DP 703265	Off Cessnock Road, Gillieston Heights	Peak Way

<i>Deposited Plan</i>	<i>Location</i>	<i>Road Name</i>
DP 703265	Off Cessnock Road, Gillieston Heights	Darcy's Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	Boxer Street
DP 703265	Off Cessnock Road, Gillieston Heights	Legendary Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	James Leslie Drive
DP 703265	Off Cessnock Road, Gillieston Heights	Hero Way
DP 703265	Off Cessnock Road, Gillieston Heights	Patriot Close
DP 703265	Off Cessnock Road, Gillieston Heights	Les Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	Blacksmith Road

The above road names have been advertised and notified. No objections to the proposed name/s have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [3201]

PARRAMATTA CITY COUNCIL

Roads Acts 1993, Section 162

Roads (General) Regulation 2000

Road Re-Naming

NOTICE is hereby given that the Council of the City of Parramatta, in pursuance of the above Act and Regulation, has renamed the road as described in the following table. Authorised by Council Resolution on 23 April 2007.

<i>Current Road Name</i>	<i>New Road Name</i>
Wright Street, Merrylands	Augustus Street, Merrylands

JOHN NEISH, General Manager, Parramatta City Council, PO Box 32, Parramatta NSW 2124. [3202]

BLACKTOWN CITY COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges

NOTICE is hereby given to the persons named hereunder that Blacktown City Council has resolved, in pursuance of section 713 of the Local Government Act 1993, as amended, to sell the lands described hereunder of which the persons named appear to be the owners or in which they appear to have an interest in the land, and on which the amount of rates stated in each case, as at 31 March 2007 is due:

<i>Owners or persons having an interest in the land</i>	<i>Description of land</i>	<i>Amount of rates overdue for more than five (5) years</i>	<i>Amount of all liable rates and charges due and in arrears</i>	<i>Total</i>
(a)	(b)	(c)	(d)	(e)
		\$	\$	\$
B. Doyle, PO Box 58, Westgate	Lot 17, DP 131137, 3 Schofields Road, Schofields	22,232.95	3,759.80	25,992.75
Estate C. Turner, Address Unknown	Lot 1, DP 115527, Lucas Road, Seven Hills	9,111.80	629.05	9,740.85
R. Wilkie, 24 Garfield Road East, Riverstone	Lot 2, DP 784511, Elizabeth Street, Riverstone	6,548.15	572.50	7,120.65
Walput Pty Ltd, C/- Barry Houley, Westpac Bank, Level 2, 130 Phillip Street, Sydney	Lot 23, DP 800205, Huntingwood Drive, Huntingwood	5,811.85	687.25	6,499.10
Liberty Holdings Pty Ltd, and Vanderburg Pty Ltd, PO Box 274, Crows Nest	Lot 24, DP 800812, Great Western Highway, Huntingwood	4,732.65	510.65	5,243.30
Insight Huntingwood Pty Ltd, C/- Mr David Cathorn, W D Marketing Pty Ltd, 9 Crown Lane, Wollongong	Lot 50, DP 814866, Huntingwood Drive, Huntingwood, off Huntingwood Drive, Huntingwood	4,228.15	492.20	4,720.35
F. Miller, PO Box 263, Penrith	Lot 12, DP 658118, Great Western Highway, Minchinbury	11,223.05	664.85	11,887.90
Y. El-Bayeh, PO Box 182, Top Ryde	Northern Section, Lot 51, DP 832175, Huntingwood Drive, Huntingwood	70,343.70	11,834.15	82,177.85
Y. El-Bayeh, PO Box 182, Top Ryde	Southern Section, Lot 51, DP 832175, Huntingwood Drive, Huntingwood	160,952.80	20,780.50	181,733.30
Estate B. Woods, Address Unknown	Lot 2, DP 1003554, Elizabeth Street, Riverstone	12,064.40	677.65	12,742.05

In default of payment to the Council of the amount stated in column (e) above and any other rates (including charges) becoming due and payable after publication of this Notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by public auction at the Max Webber Function Centre, 1st Floor, Max Webber Library Building, Flushcombe Road, Blacktown, on Saturday 11 August 2007 at 10.30 a.m. RON MOORE, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

[3203]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GWENDOLINE CATHERINE DROBEK, late of Bondi, in the State of New South Wales, widow, who died on 21 February 2007, must send particulars of the claim to the executors, Deborah Thelma Heaven and Geoffrey Raymond Taylor, c.o. Ebsworth & Ebsworth, Solicitors, 126 Phillip Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 2 April 2007. EBSWORTH & EBSWORTH, Solicitors, 126 Phillip Street, Sydney NSW 2000, tel: (02) 9234 2366. [3203]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELSIE EUGENIE GREENFIELD, late of Botany, widow, in the State of New South Wales, who died on 15 September 2006, must send particulars of his claim to the executor, Norma Joan Bench, c.o. Pryor Tzannes & Wallis, Solicitors, 1005 Botany Road, Mascot NSW 2020, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 4 April 2007. PRYOR TZANNES & WALLIS, Solicitors, 1005 Botany Road, Mascot NSW 2020, tel: (02) 9669 6333. [3204]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of THOMAS RICHARD MASON, late of Punchbowl, in the State of New South Wales, retired deceased, who died on 13 March 2007, must send particulars of their claim to the executors, Robyn Joy Heather Mae Himmelberg and David Leslie Scutts, c.o. Truman Hoyle Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors had notice. Probate was granted in New South Wales on 19 April 2007. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street Sydney NSW 2000 (DX 263, Sydney), tel: (02) 9226 9899. Reference: SR 5829. [3205]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALVA NOEL RICKETTS, late of 5 Kitchener Road, Cherrybrook, in the State of New South Wales, who died on 19 October 2006, must send particulars of their claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from the publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 19 April 2007. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114, tel: (02) 9858 1533. [3206]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN LEWIS BEAVEN, late of Oatley, in the State of New South Wales, accounts payable supervisor, who died on 26 January 2007, must send particulars of his claim to the executors, Andrew John Beaven and John Peart, c.o. Peninsula Law, Solicitors, 36A George Street, Woy Woy NSW 2256, within one (1) calendar month from the publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 19 April 2007. PENINSULA LAW, Solicitors, 36A George Street (PO Box 162), Woy Woy NSW 2256 (DX 8806, Woy Woy), tel: (02) 4343 3000. [3207]