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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 5 November 2008

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

Act No. 78 2008 – An Act to amend the Children and Young Persons (Care and Protection) Act 1998 relating to body piercing and tattooing of children and young persons. [Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Bill].

Act No. 79 2008 – An Act to amend the Mental Health (Criminal Procedure) Act 1990 and the Mental Health Act 2007 with respect to the care, treatment, control and release of forensic patients and patients transferred from correctional centres and the functions of the Mental Health Review Tribunal; and for other purposes. [Mental Health Legislation Amendment (Forensic Provisions) Bill].

Act No. 80 2008 – An Act to make provision with respect to vexatious proceedings in the courts and tribunals of the State. [Vexatious Proceedings Bill].

Act No. 81 2008 – An Act to amend the Crimes (Sentencing Procedure) Act 1999 to make further provision with respect to victim impact statements. [Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill].

Act No. 82 2008 – An Act to amend the Road Transport (Driver Licensing) Act 1998 and various regulations with respect to the demerit points system applying to New South Wales drivers. [Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill].

Act No. 83 2008 – An Act to amend the Tow Truck Industry Act 1998 to make further provision in relation to tow truck operators licences, drivers certificates and the regulation of the tow truck industry. [Tow Truck Industry Amendment Bill].

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 5 November 2008

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

Act No. 84, 2008 – An Act to amend the Civil Liability Act 2002 and other Acts to make further provision in respect of offender damages, victim claims, indexation of damages, and damages for gratuitous attendant care services. [Civil Liability Legislation Amendment Act 2008].

LYNN LOVELOCK,
Clerk of the Parliaments

Proclamations



New South Wales

Commencement Proclamation

under the

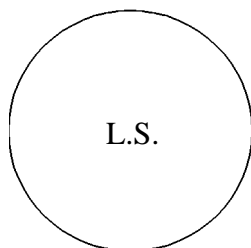
Administrative Decisions Tribunal Amendment Act 2008 No 77

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Administrative Decisions Tribunal Amendment Act 2008*, do, by this my Proclamation, appoint 17 November 2008 as the day on which Schedule 1 [47]–[51] and [54] to that Act commence.

Signed and sealed at Sydney, this 14th day of November 2008.

By His Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of *Administrative Decisions Tribunal Amendment Act 2008* that amend the *Administrative Decisions Tribunal Act 1997*:

- (a) to provide for the allocation of certain senior judicial members to the Legal Services Division of the Tribunal, and
- (b) to enable a senior judicial member of the Legal Services Division to participate in and preside over certain disciplinary proceedings allocated to the Division, and
- (c) to make other amendments in the nature of statute law revision relating to the Legal Services Division, and

Commencement Proclamation

Explanatory note

- (d) to enable a member or former member of the Tribunal to complete an unfinished matter even if he or she ceases to have a requisite qualification to deal with the matter (other than for certain disciplinary reasons).

Regulations



New South Wales

Building Professionals Amendment (Reports) Regulation 2008

under the

Building Professionals Act 2005

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Building Professionals Act 2005*.

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to require an accredited certifier to cause copies of any written report made by the accredited certifier under clause 130 (2A) (b), 144A (1) (b) or 153A (1) (b) of the *Environmental Planning and Assessment Regulation 2000* to be kept at his or her business premises, or in another secure place, at all times.

This Regulation is made under the *Building Professionals Act 2005*, including sections 60 (1) and 94 (the general regulation-making power).

Clause 1 Building Professionals Amendment (Reports) Regulation 2008

Building Professionals Amendment (Reports) Regulation 2008

under the

Building Professionals Act 2005

1 Name of Regulation

This Regulation is the *Building Professionals Amendment (Reports) Regulation 2008*.

2 Amendment of Building Professionals Regulation 2007

The *Building Professionals Regulation 2007* is amended by inserting the following after clause 8 (1) (j):

- (j1) any written report made by the accredited certifier under clause 130 (2A) (b), 144A (1) (b) or 153A (1) (b) of the *Environmental Planning and Assessment Regulation 2000*,



New South Wales

Environmental Planning and Assessment Amendment (Reports) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

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

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

Currently under the *Environmental Planning and Assessment Regulation 2000*, a certifying authority is required to obtain a compliance certificate from a person holding Category C10 accreditation under the *Building Professionals Act 2005* (a **fire safety engineer**) before issuing a complying development certificate, construction certificate or occupation certificate for a building or building work involving an alternative solution under the *Building Code of Australia* in respect of fire safety requirements.

The object of this Regulation is to provide that, as an alternative to obtaining a compliance certificate, a certifying authority may instead obtain a written report from a fire safety engineer that includes a statement that:

- (a) the alternative solution complies with the relevant performance requirements of the *Building Code of Australia* (if the report relates to the issuing of a complying development certificate or construction certificate), or
- (b) the building work relating to the alternative solution has been completed and is consistent with that alternative solution (if the report relates to the issuing of an occupation certificate).

A fire safety engineer may issue any such written report in respect of an alternative solution prepared by the engineer and may issue a report that relates to the issuing of an occupation certificate even if the engineer also issued a report relating to the issuing of a complying development certificate or construction certificate in respect of the work.

This Regulation also makes amendments by way of law revision.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 81A, 85, 109H and 157 (the general regulation-making power).

Clause 1 Environmental Planning and Assessment Amendment (Reports) Regulation
2008

Environmental Planning and Assessment Amendment (Reports) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Reports) Regulation 2008*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

Environmental Planning and Assessment Amendment (Reports) Regulation
2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fire safety engineer means a person holding Category C10 accreditation under the *Building Professionals Act 2005*.

[2] Clause 130 Procedure for determining application for complying development certificate

Omit clause 130 (2A). Insert instead:

(2A) A certifying authority must not issue a complying development certificate for building work that involves an alternative solution under the *Building Code of Australia* in respect of a fire safety requirement unless the certifying authority has obtained or been provided with either or both of the following issued by a fire safety engineer:

- (a) a compliance certificate referred to in section 109C (1) (a) (v) of the Act that certifies that the alternative solution complies with the relevant performance requirements of the *Building Code of Australia*,
- (b) a written report that includes a statement that the alternative solution complies with the relevant performance requirements of the *Building Code of Australia*.

[3] Clauses 130 (2B) (a) and 144A (2) (a)

Insert “or more” after “2,000 square metres” wherever occurring.

[4] Clauses 130 (2B) (b) (i) and 144A (2) (b) (i)

Insert “more than” after “floor area of” wherever occurring.

[5] Clause 130 (2D)

Insert after clause 130 (2C):

(2D) A fire safety engineer may issue a written report under subclause (2A) (b) in respect of an alternative solution prepared by the engineer.

Environmental Planning and Assessment Amendment (Reports) Regulation
2008

Schedule 1 Amendments

[6] Clause 144A (1)

Omit the subclause. Insert instead:

- (1) A certifying authority must not issue a construction certificate for building work that involves an alternative solution under the *Building Code of Australia* in respect of a fire safety requirement unless the certifying authority has obtained or been provided with either or both of the following issued by a fire safety engineer:
 - (a) a compliance certificate referred to in section 109C (1) (a) (v) of the Act that certifies that the alternative solution complies with the relevant performance requirements of the *Building Code of Australia*,
 - (b) a written report that includes a statement that the alternative solution complies with the relevant performance requirements of the *Building Code of Australia*.

[7] Clause 144A (4)

Insert after clause 144A (3):

- (4) A fire safety engineer may issue a written report under subclause (1) (b) in respect of an alternative solution prepared by the engineer.

[8] Clause 153A

Omit the clause. Insert instead:

153A Compliance certificate required for certain fire safety aspects of building work

- (1) A certifying authority must not issue an occupation certificate for a building in respect of which a compliance certificate or report is required under clause 130 (2A) or 144A (1) (the *first certificate or report*) unless the certifying authority has obtained or been provided with either or both of the following issued by a fire safety engineer:
 - (a) a compliance certificate referred to in section 109C (1) (a) (i) of the Act that certifies that the building work relating to the alternative solution that was the subject of the first certificate or report has been completed and complies with that alternative solution,
 - (b) a written report that includes a statement that the building work relating to the alternative solution that was the subject of the first certificate or report has been completed and is consistent with that alternative solution.

Environmental Planning and Assessment Amendment (Reports) Regulation
2008

Amendments

Schedule 1

- (2) A fire safety engineer may issue a written report under subclause (1) (b), even if the engineer also issued a report under clause 130 (2A) (b) or 144A (1) (b) in respect of the work.



New South Wales

Independent Pricing and Regulatory Tribunal Amendment (Country Energy) Regulation 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Independent Pricing and Regulatory Tribunal Act 1992*.

NATHAN REES, M.P.,
Premier

Explanatory note

The object of this Regulation is to include Country Energy as a government agency in relation to which the Independent Pricing and Regulatory Tribunal is, under the *Independent Pricing and Regulatory Tribunal Act 1992*, to conduct investigations and make reports to the Premier on:

- (a) the determination of the pricing for a government monopoly service supplied by that agency (for example, water supply and sewerage services), and
- (b) a periodic review of pricing policies in respect of those services.

This Regulation is made under the *Independent Pricing and Regulatory Tribunal Act 1992*, including sections 11 and 29 (the general regulation-making power).

Clause 1 Independent Pricing and Regulatory Tribunal Amendment (Country Energy)
Regulation 2008

Independent Pricing and Regulatory Tribunal Amendment (Country Energy) Regulation 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

1 Name of Regulation

This Regulation is the *Independent Pricing and Regulatory Tribunal Amendment (Country Energy) Regulation 2008*.

2 Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39

The *Independent Pricing and Regulatory Tribunal Act 1992* is amended as set out in Schedule 1.

Independent Pricing and Regulatory Tribunal Amendment (Country Energy)
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 1 Government agencies for which Tribunal has standing reference

Insert “Country Energy” at the end of the Schedule.



New South Wales

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

under the

Pesticides Act 1999

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

CARMEL TEBBUTT, M.P.,
Minister for Climate Change and the Environment

Explanatory note

The object of this Regulation is to amend the *Pesticides Regulation 1995*:

- (a) to require a pest management technician to give notice of the proposed use of a pesticide before using a pesticide on land adjacent to certain sensitive places, and
- (b) to replace references to the Air Navigation Regulations of the Commonwealth with references to the appropriate provisions of the *Civil Aviation Act 1988* and the *Civil Aviation Regulations 1988* of the Commonwealth, and
- (c) to provide that a public authority may, in a prescribed public place that is owned by or under the control of the public authority, allow another public authority to use a pesticide if that other authority has prepared, finalised and notified the Environment Protection Authority of a pesticide use notification plan and has given notice in accordance with that plan, and
- (d) to update references to the *Food Standards Code* of the Commonwealth, and to apply *The MRL Standard—Maximum residue limits in food and animal feedstuff*, published by the Australian Pesticides and Veterinary Medicines Authority, for the purpose of determining maximum permissible concentrations of certain substances in agricultural produce.

This Regulation is made under the *Pesticides Act 1999*, including sections 46, 48, 63 and 119 (the general regulation-making power).

Clause 1 Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

under the

Pesticides Act 1999

1 Name of Regulation

This Regulation is the *Pesticides Amendment (Notification of Proposed Use) Regulation 2008*.

2 Amendment of Pesticides Regulation 1995

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

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Omit the definition of *Food Standards Code* from clause 3 (1).

Insert instead:

Food Standards Code means the *Australia New Zealand Food Standards Code* as defined in the *Food Standards Australia New Zealand Act 1991* of the Commonwealth.

MRL Standard means the document entitled *The MRL Standard—Maximum residue limits in food and animal feedstuff* published by the Australian Pesticides and Veterinary Medicines Authority.

[2] Clause 5 Particulars to accompany application for licence: section 46

Omit clause 5 (1). Insert instead:

- (1) For the purposes of section 46 (3) (c) of the Act, evidence that the applicant is the holder of an air operator's certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988* of the Commonwealth is required.

[3] Clause 5 (2) (a)

Omit the paragraph. Insert instead:

- (a) evidence that the applicant holds a current commercial pilot (aeroplane) licence or commercial pilot (helicopter) licence issued under the *Civil Aviation Regulations 1988* of the Commonwealth endorsed with an agricultural rating, and

[4] Clause 6 Prescribed qualifications for issue of licence: section 48

Omit "the Air Navigation Regulations" from clause 6 (1).

Insert instead "Division 2 of Part III of the *Civil Aviation Act 1988*".

[5] Clause 6 (2) (a)

Omit the paragraph. Insert instead:

- (a) the applicant holds a current commercial pilot (aeroplane) licence or commercial pilot (helicopter) licence issued under the *Civil Aviation Regulations 1988* of the Commonwealth endorsed with an agricultural rating, and

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Schedule 1 Amendments

[6] Clause 10

Omit the clause. Insert instead:

10 Prohibited residues: section 63

- (1) For the purposes of paragraph (b) of the definition of *agricultural produce* in section 63 of the Act the following are prescribed as agricultural produce:
 - (a) any produce of a kind referred to in Schedule 1 or 2 to Standard 1.4.2 of the Food Standards Code and any vegetation from which produce of a kind so referred to is obtained,
 - (b) any produce, other than produce referred to in paragraph (a), of a kind referred to in the second column of Table 1 or 4 of the MRL Standard and any vegetation from which produce of a kind so referred to is obtained.
- (2) For the purposes of section 63 (2) (a) of the Act, the following are *prescribed substances*:
 - (a) a substance referred to in the shaded boxes in Schedule 1 or 2 to Standard 1.4.2 of the Food Standards Code,
 - (b) a substance specified in the first column of Table 1 or 4 of the MRL Standard.
- (3) For the purposes of section 63 (2) (a) of the Act:
 - (a) the concentration of a prescribed substance specified in Schedule 1 or 2 to Standard 1.4.2 of the Food Standards Code in respect of any agricultural produce is prescribed as the maximum permissible concentration of that substance in respect of that produce, and
 - (b) the concentration of a prescribed substance specified in the third column of Table 1 or 4 to the MRL standard in respect of any agricultural produce is prescribed as the maximum permissible concentration of that substance in respect of that produce.
- (4) If there is an inconsistency between the maximum permissible concentration prescribed by subclause (3) (a) and the maximum permissible concentration prescribed by subclause (3) (b) in respect of the same prescribed substance and agricultural produce, the maximum permissible concentration prescribed by subclause (3) (a) prevails.

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Amendments

Schedule 1

[7] **Clause 11HA**

Insert after clause 11H:

11HA Records to be provided to authorised officer on request

A person required to keep a record under this Regulation must, on the request of an authorised officer, provide the authorised officer with a copy of the record within a reasonable period that is specified in the request.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and
- (b) in the case of an individual—200 penalty units.

[8] **Part 4B Notification of proposed use of pesticide**

Omit Division 1 of Part 4B and the heading to Division 2. Insert instead:

Division 1 Preliminary

[9] **Clause 11J Definitions**

Omit “Division” from clause 11J (1). Insert instead “Part”.

[10] **Clause 11J (1)**

Insert in alphabetical order:

pest management technician means a person who:

- (a) holds a certificate of competency or recognised qualification (within the meaning of Part 9.1 of Chapter 9 of the *Occupational Health and Safety Regulation 2001*) in relation to the kind of work referred to under the subheading “**Application of pesticides**” or “**Use of fumigants**” in the Schedule to clause 266 of that Regulation, or
- (b) is a trainee doing work of the type referred to in paragraph (a) and who is excepted under clause 271 of that Regulation from the requirement of that Regulation to hold a certificate of competency or recognised qualification in relation to that work, or
- (c) holds a former authority (pest control operator’s licence) that is taken to be a certificate of competency under clause 268 of that Regulation.

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Schedule 1 Amendments

[11] Part 4B, Division 2, heading

Insert after clause 11J:

Division 2 Notification by public authorities**[12] Clause 11K Obligations on public authorities concerning use of pesticide**

Insert after clause 11K (2):

- (3) Subclause (1) does not apply in respect of the use of pesticide in a prescribed public place that is owned by or is under the control of a public authority if the pesticide is used by another public authority and that other public authority has:
 - (a) prepared, finalised and notified the Environment Protection Authority of a pesticide use notification plan in accordance with this Division, and
 - (b) given public notice in accordance with that plan.
- (4) Subclause (1) does not apply in relation to the use of pesticide in public baths or in any swimming pool or spa.

[13] Clause 11L Contents of pesticide use notification plans

Omit “owned by the public authority or under its control” from clause 11L (1).

[14] Clause 11L (2) (g)

Omit “what will be included in that notification”.

Insert instead “the information that will be provided to the affected persons that are notified”.

[15] Clause 11L (2) (k)

Insert “or class of prescribed public places” after “prescribed public places”.

[16] Clause 11L (4)

Insert after clause 11L (3):

- (4) Without limiting subclause (2) (f), a pesticide use notification plan may provide that the public authority will provide information to affected persons of the proposed use of pesticide in the prescribed public places by a combination of methods and, if the plan does so provide, must specify the information that will be provided by each method.

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Amendments

Schedule 1

[17] Clause 11Q Definitions

Omit the definition of *pest management technician*.

[18] Clause 11R Prior notice of application of pesticide to be given by management

Omit clause 11R (3). Insert instead:

- (3) The notice must be given:
 - (a) to each resident in person or by post, facsimile transmission, email or telephone or by placing a written notice in the resident's letter box or under the resident's front door, or
 - (b) by placing a written notice:
 - (i) on the main notice boards at the residential complex (if available), and
 - (ii) if the pesticide is to be used in a common area within a building—at each entrance to the building concerned, and
 - (iii) if the pesticide is to be used in a common area outside a building—at each entrance to each building adjoining the common area concerned.

[19] Clause 11R (7)

Insert after clause 11R (6):

- (7) If notice required under subclause (1) is given in person or by telephone the pest management technician must make a record of the giving of the notice.

[20] Clause 11U Provision of Material Safety Data Sheet

Omit "a person at". Insert instead "a member of staff at".

[21] Part 4B, Division 4

Insert after Division 3 of Part 4:

Division 4 Notification by pest management technicians in relation to sensitive places

11W Application of Division

- (1) In this Division, *sensitive place* does not include a hospital.
- (2) This Division does not apply to any thing done before 1 September 2009.

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Schedule 1 Amendments

11X Prior notice of application of pesticide to be given by pest management technician

- (1) A pest management technician must give notice in accordance with this Division, before spraying a pesticide outdoors, or injecting a pesticide into the ground outdoors, within 20 metres of any common boundary between the land on which the pesticide is to be used and a sensitive place.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and
 - (b) in the case of an individual—200 penalty units.
- (2) If the premises of a sensitive place consist only of a building or part of a building, the reference in subclause (1) to within 20 metres of any common boundary between the land on which the pesticide is to be used and the sensitive place is to be read as a reference to within 20 metres of the building or part of the building.
 - (3) A pest management technician does not commit an offence under subclause (1) if he or she could not have reasonably known that the place where the pesticide is to be used is within 20 metres of a common boundary between the land on which the pesticide is used and a sensitive place.
 - (4) Nothing in this clause prevents a pest management technician from giving any other notice before using a pesticide whether or not within 20 metres of the boundary of a sensitive place.

11Y Form of notice

- (1) A pest management technician must give notice to the principal, director, manager or other person having the care, control or management of a sensitive place at least 5 working days before the proposed use of a pesticide.
- (2) The notice must be given in person or by post, facsimile transmission, email or telephone or by placing a written notice in the person's letter box.
- (3) The notice must include the following:
 - (a) the date, dates, or range of dates on which the pesticide will be used,
 - (b) where the pesticide will be used,
 - (c) the full product name of the pesticide that will be used,
 - (d) the purpose for which the pesticide will be used,

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Amendments

Schedule 1

-
- (e) the period (if any) during which the affected area should not be entered (but only if the approved label for the pesticide or the permit for use of the pesticide requires that such a period be observed),
 - (f) the contact details of the pest management technician, or of his or her office.
- (4) Despite subclause (1), a pest management technician may give the notice required by this clause immediately before the use of a pesticide in an emergency so as to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures) as long as the technician makes a record, at that time, of the emergency and use of the pesticide.
- (5) It is sufficient compliance with subclause (1) that notice is provided in accordance with this clause to the agent of a person referred to in that subclause.
- (6) If notice required under subclause (1) is given in person or by telephone, the pest management technician must make a record of the giving of the notice.

11Z Provision of Material Safety Data Sheet

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

Maximum penalty:

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

11ZA Records that must be kept

A pest management technician who is required by this Division to give any notice or make any record must keep a paper copy of the notice or record for at least 3 years after the notice, or notice to which the record relates, was given.

Maximum penalty:

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

Pesticides Amendment (Notification of Proposed Use) Regulation 2008

Schedule 1 Amendments

[22] Clause 15

Insert after clause 14:

15 Savings and transitional provision

A notice of the proposed use of a pesticide given in accordance with this Regulation, as in force immediately before the amendment of this Regulation by the *Pesticides Amendment (Notification of Proposed Use) Regulation 2008*, is taken to have been given in accordance with this Regulation as so amended.

[23] Schedule 1 Penalty notice offences

Insert in order of provisions of the regulation:

Clause 11X (1)	400	800
Clause 11Z	100	200
Clause 11ZA	100	200

[24] Schedule 2 Qualifying examination

Omit clause 4 of Schedule 2. Insert instead:

- 4** A candidate for examination must be the holder of a current commercial pilot (aeroplane) licence or commercial pilot (helicopter) licence issued under the *Civil Aviation Regulations 1988* of the Commonwealth endorsed with an agricultural rating.

Orders



New South Wales

Independent Pricing and Regulatory Tribunal (Country Energy) Order 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

I, NATHAN REES, Premier, in pursuance of section 4 of the *Independent Pricing and Regulatory Tribunal Act 1992*, make the following Order.

I certify that the services specified in the following Order are services:

- (a) for which there are no other suppliers to provide competition in the part of the market concerned, and
- (b) for which there is no contestable market by potential suppliers in the short term in that part of the market.

Dated, this 5th day of November 2008.

NATHAN REES, M.P.,
Premier

Clause 1 Independent Pricing and Regulatory Tribunal (Country Energy) Order 2008

Independent Pricing and Regulatory Tribunal (Country Energy) Order 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

1 Name of Order

This Order is the *Independent Pricing and Regulatory Tribunal (Country Energy) Order 2008*.

2 Declaration of government monopoly services

The following services provided by Country Energy are declared to be government monopoly services:

- (a) water supply services,
- (b) sewerage services,
- (c) trade waste services,
- (d) ancillary and miscellaneous services for which no alternative supply exists and which relate to the provision of services of a kind referred to in paragraphs (a)–(c).



New South Wales

Special Contributions Area (Wyong Employment Zone) Order 2008

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 94EG (1) of the *Environmental Planning and Assessment Act 1979*, do, by this my Order, amend Schedule 5A to that Act by inserting at the end of the Schedule (with appropriate numbering) the following matter:

land within the local government area of Wyong shown edged heavy black on the map marked “Wyong Employment Zone—Special Contributions Area” deposited in the head office of the Department

Dated, this 28th day of October 2008.

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

The object of this Order is to amend Schedule 5A to the *Environmental Planning and Assessment Act 1979* so as to constitute certain land in the Wyong local government area as a special contributions area.

This Order is made under section 94EG (1) of the *Environmental Planning and Assessment Act 1979*.



New South Wales

Special Contributions Area (Warnervale) Order 2008

under the

Environmental Planning and Assessment Act 1979 No 203

I, the Minister for Planning, in pursuance of section 94EG (1) of the *Environmental Planning and Assessment Act 1979*, do, by this my Order, amend Schedule 5A to that Act by inserting at the end of that Schedule (with appropriate numbering) the following matter:

land shown edged heavy black on the map marked “Warnervale Town Centre—Special Contributions Area” deposited in the head office of the Department, as in force at the date of commencement of *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)*

Dated, this 30th day of October 2008.

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

The object of this Order is to amend Schedule 5A to the *Environmental Planning and Assessment Act 1979* so as to constitute certain land at Warnervale as a special contributions area.

This Order is made under section 94EG (1) of the *Environmental Planning and Assessment Act 1979*.

OFFICIAL NOTICES

Appointments

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Elizabeth TYDD as Chairperson of the Products Safety Committee commencing on the date hereof.

Dated this 6th day of November 2008.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Appointment

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Peter SLATTERY as the Executive Officer of the Products Safety Committee commencing on the date hereof.

Dated this 6th day of November 2008.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

Department of Lands

ARMIDALE OFFICE

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

Phone: (02) 6770 3100 Fax (02) 6771 5348

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. 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

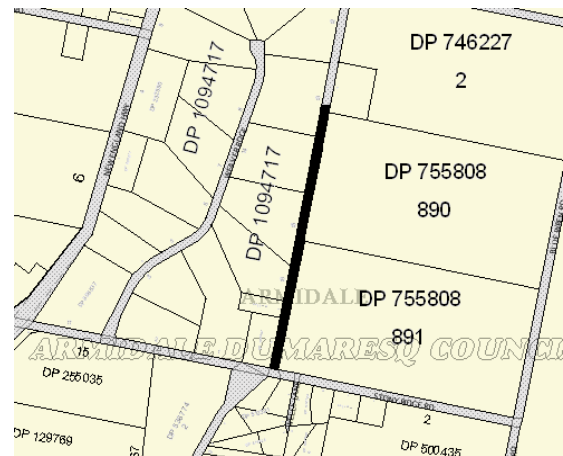
Land District – Walcha; L.G.A. – Walcha

Road Closed: Lot 10, DP 1097061 at Walcha, Parish and Town Walcha, County Vernon.

File No.: AE05 H 114.

Schedule

On closing, the land within Lot 10, DP 1097061 remains vested in the Walcha Council as Operational Land.



SCHEDULE 2

Roads Authority: Armidale Dumaresq Council.

File No.: AE07 H 18:W412810.

Councils Reference: A02/0006-2.

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 – Armidale; County – Sandon;

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

The Crown road 20.115 metres wide at Armidale known as Arundel Drive North, as shown by solid black shading on the diagram hereunder.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 8124

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 roads specified in Schedule 1 are hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the roads specified in Schedule 1 ceases to be Crown roads.

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

Schedule 1

*Parish – Cudgen; County – Rous;
Land District – Murwillumbah;
Shire – Tweed Shire Council*

Crown public road within Lot 2, DP 1087662 and Lot 949, DP 864092.

Width to be Transferred: 20.115 wide.

Schedule 2

Roads Authority: Tweed Shire Council.

Department of Lands Reference: 08/9532.

Schedule 1

*Parish – East Gundurimba; County – County;
Land District – Lismore; Shire – Lismore City Council*

Crown public road south of Lot 2, DP 701097 and Lot 6, DP 247851.

Width to be Transferred: Whole width.

Schedule 2

Roads Authority: Lismore City Council.

Department of Lands Reference: 08/7956.

Schedule 1

*Parish – Medlow; County – Raleigh;
Land District – Bellingen;
Shire – Nambucca Shire Council*

Crown public road from Argues Road to Lot 22, DP 811095 known as Higginbotham Road.

Width to be Transferred: Whole width.

Schedule 2

Roads Authority: Nambucca Shire Council.

Department of Lands Reference: 08/8145.

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 – Casino; L.G.A. – Richmond Valley

Road Closed: Lot 1, DP 1126112 at West Coraki, Parish West Coraki, County Richmond.

File No.: GF05 H 228.

Schedule

On closing, the land within Lot 1, DP 1126112 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Kyogle

Road Closed: Lots 1 and 2, DP 1131028 at Bingebeebebra Creek, Parish Dyraaba, County Rous.

File No.: GF05 H 366.

Schedule

On closing, the land within Lots 1 and 2, DP 1131028 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1129611 at Palmers Island, Parish Taloumbi, County Clarence.

File No.: GF04 H 129.

Schedule

On closing, the land within Lot 1, DP 1129611 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Lismore; L.G.A. – Ballina

Road Closed: Lot 1, DP 1127878 at Brooklet, Parish Teven, County Rous.

File No.: GF05 H 138.

Schedule

On closing, the land within Lot 1, DP 1127878 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 3600 Fax: (02) 6962 5670

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. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

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

Description

*Parish – Fennel and Boblegigbie; County – Bourke;
 Land of District – Narrandera; L.G.A. – Narrandera*

Road Closed: Lot 1 in DP 1124367.

File No.: GH07 H 71 (MR).

Schedule

On closing, title to the land comprised in Lot 1 remains vested the Crown as Crown Land.

Description

*Parish – Fennel; County – Bourke;
 Land of District – Narrandera; L.G.A. – Narrandera*

Road Closed: Lot 2 in DP 1124367.

File No.: GH07 H 72 (MR).

Schedule

On closing, title to the land comprised in Lot 2 remains vested the Crown as Crown Land.

Description

*Parish – Whoyeo; County – Dowling;
 Land of District – Lake Cargelligo; L.G.A. – Lachlan*

Road Closed: Lot 1 in DP 1129427.

File No.: GH07 H 112 (MR).

Schedule

On closing, title to the land comprised in Lot 1 remains vested the Crown 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

**NOTICE OF PUBLIC PURPOSE PURSUANT TO
 SECTION 121A OF THE CROWN LANDS ACT 1989**

PURSUANT to section 121A of the Crown Lands Act 1989, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

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

SCHEDULE

Column 1

Reserve No.: 56681.
 Public Purpose: Public
 recreation.

Notified: 23 December 1923.

Locality: Merewether.

Column 2

Recreation Facilities and
 Services, Tourist Facilities
 and Services.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Rodney Edward BARNES (new member), Darren LYDFORD (new member), Brett Anthony PREISIG (new member), Thomas John FREEMAN (re-appointment), Leslie Owen BARNES (re-appointment).	Nelungaloo Public Hall and Recreation Reserve Trust.	Reserve No.: 65805. Public Purpose: Public hall. Notified: 7 February 1936.
		Reserve No.: 81422. Public Purpose: Public recreation. Notified: 27 February 1959. File No.: OE80 R 307.

Term of Office

For a term commencing 28 November 2008 and expiring 27 November 2013.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Bruce Philip ANDREWS (new member), William Mark ADAMS (new member), Christine Patricia PORTER (new member), Vanessa Jane WHITE (re-appointment), John FRY (re-appointment), Bettina CONOLAN (re-appointment).	Peel Recreation Reserve Trust.	Reserve No.: 88996. Public Purpose: Public recreation. Notified: 31 August 1973. File No.: OE80 R 197.

Term of Office

For a term commencing 5 December 2008 and expiring 4 December 2013.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Patrick Brian TOMLINSON (re-appointment), Vera Jean TOMLINSON (re-appointment), Murray Ian PRICE (re-appointment), Nella PRICE (re-appointment), Ian Stanley PRICE (re-appointment).	Sally's Flat Recreation Ground Trust.	Reserve No.: 50094. Public Purpose: Public recreation. Notified: 29 July 1914. File No.: OE81 R 82.

Term of Office

For a term commencing 28 November 2008 and expiring 27 November 2013.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Colin Rupert GRINTER (new member), George Arthur BERRY (re-appointment), Thomas MORGAN (re-appointment).	Trundle Rest Shelter Reserve Trust.	Reserve No.: 66045. Public Purpose: Shelter. Notified: 5 June 1936. File No.: OE80 R 326.

Term of Office

For a term commencing 5 December 2008 and expiring 4 December 2013.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Ricky Michael STAFFORD (new member), Tania Gaye SELBY (re-appointment), Geoffrey Thompson MOORE (re-appointment), Noella B MOORE (re-appointment), Wendy Anne MURPHY (re-appointment), Margaret Elizabeth WEATHERLY (re-appointment), Gregory Stephen GARLINGE (re-appointment).	Ilford Recreation Reserve Trust.	Reserve No.: 29265. Public Purpose: Public recreation. Notified: 22 April 1899. File No.: OE80 R 59.

Term of Office

For a term commencing 19 December 2008 and expiring 18 December 2013.

SCHEDULE 6

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Val FENN (new member), Primrose RAINE (re-appointment), Olly FORMAN (re-appointment).	Mount Rankin (R1001055) Reserve Trust.	Reserve No.: 1001055. Public Purpose: Environmental protection. Notified: 20 February 1998. File No.: OE98 R 5.

Term of Office

For a term commencing 28 November 2008 and expiring 27 November 2013.

SCHEDULE 7

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
James Drummond RODGERS (new member), Kenneth Charles NOAKES (re-appointment), Murray Neville BROWN (re-appointment), Thomas James BROWN (re-appointment).	Bedgerebong Cemetery Trust.	Dedication No.: 1004228. Public Purpose: Cemetery. Notified: 6 November 1895.
		Reserve No.: 23069. Public Purpose: Plantation to cemetery. Notified: 6 November 1895. File No.: OE02 R 2.

Term of Office

For a term commencing 28 November 2008 and expiring 27 November 2013.

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 Schedule.

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

SCHEDULE

Column 1

Land District: Lithgow.
Local Government Area:
Lithgow City Council.
Locality: Parish Gandantherie,
County Cook.
Reserve No.: 751639.
Public Purpose: Future public
requirements.
Notified: 29 June 2007.
Lot PT PT1, DP No. 751639,
Parish Gandantherie, County Cook;
Lot 20, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 16, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 3, section 8, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 11, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 2, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 7, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 7, section 10, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 23, section 6, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 10, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 19, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 22, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 18, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 21, section 3, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 22, DP No. 751639,
Parish Gandantherie, County Cook;
Lot 11, section 22, DP No. 758446,
Parish Gandantherie, County Cook;

Column 2

The part being Lot 20,
section 10, DP No. 758446,
Parish Gandantherie, County
Cook; Lot 7, section 10,
DP No. 758446, Parish
Gidantherie, County Cook,
of an area of 1138 square
metres.

Lot 12, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 13, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 14, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 15, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 17, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 18, section 22, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 7, section 6, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 16, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 17, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 5, section 8, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 6, section 8, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 8, section 8, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 12, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 14, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 19, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 20, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 10, section 9, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 4, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 5, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 6, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 8, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 9, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 10, section 10, DP No. 758770,
Parish Gandantherie, County Cook;
Lot 6, section 10, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 20, section 10, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 21, section 10, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 22, section 10, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 21, section 6, DP No. 758446,
Parish Gandantherie, County Cook;
Lot 22, section 6, DP No. 758446,
Parish Gandantherie, County Cook.
File No.: OE02 H 105.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Lidcombe Charitable Organisations (R97106) Reserve Trust.	Reserve 97106 at Lidcombe, notified for the purpose of charitable organisations on 30 December 1983. File No.: MN83 R 10/3.

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Land District – Metropolitan; L.G.A. – Blacktown

Lot 1, DP 1130990 at Glendenning, Parish Rooty Hill, County Cumberland.
File No.: 07/3642.

Notes: 1] On closing, title for the land in Lot 1 remains vested in Blacktown City Council as operational land.
2] The road is closed subject to the easement to drain water, variable width as shown in DP 1130990.

Description

Land District – Metropolitan; L.G.A. – Blacktown

Lots 1 and 2, DP 1131526 at Hassall Grove, Parish Rooty Hill, County Cumberland.
File No.: 08/2274.

Notes: 1] On closing, title for the land in Lots 1 and 2 remains vested in Blacktown City Council as operational land.
2] The road is closed subject to the easement to drain water, 3 wide as shown in DP 1131526.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

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 – Kempsey; L.G.A. – Kempsey

Road Closed: Lot 1, DP 1131022 at Moparrabah, Parish Parrabel, County Dudley.

File No.: TE05 H 185.

Schedule

On closing, the land within Lot 1, DP 1131022 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Taree; L.G.A. – Greater Taree

Road Closed: Lot 1, DP 1128059 at Johns River, Parish Johns River, County Macquarie.

File No.: GF05 H 184.

Schedule

On closing, the land within Lot 1, DP 1128059 remains vested in the State of New South Wales as Crown Land.

WESTERN REGION 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 Lease of the land specified has been granted to the undermentioned persons.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

The land is to be used only for the purpose for which the lease is granted.

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

—————
Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parish – Bray; County – Yancowinna

Western lands Lease 14202 was granted to Broken Hill Gateway Investments Pty Ltd, comprising Allotment 21 Section 24 DP 758905 (Folio Identifier 21/24/758905) of 998 square metres at Silverton, for the purpose of Business Purposes (Studio and Art Gallery) for a term in perpetuity commencing 7 November 2008.

Papers: WLL 14202.

**CONDITIONS AND RESERVATIONS TO ATTACH TO
 WESTERN LANDS LEASE 14202**

- (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 Lands 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.
- (c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (5) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (6) The rent shall be due and payable annually in advance on 1 July in each year.
- (7) (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.
- (8) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (9) 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.

- (10) 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.
- (11) 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.
- (12) The land leased shall be used only for the purpose of Business (Studio and Art Gallery)
- (13) 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.
- (14) 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.
- (15) 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.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (17) 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.
- (18) The lessee shall not erect or permit any person to erect any new dwellings, structures or fencing, or extend any existing buildings on the land lease except in accordance with plans and specification approved by the Western Lands Commissioner.
- (19) The lessee shall ensure that any external restoration or maintenance of existing buildings is in accordance with the Department's Draft Heritage Conservation and Development Policy.
- (20) 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.
- (21) 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.
- (22) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Lands within 3 months of the date of gazettal of the granting.
- (23) 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.
- (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.

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 Lease of the land specified has been granted to the undermentioned persons.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

The land is to be used only for the purpose for which the lease is granted.

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

*Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parishes – Nettlegoe and Paringi; County – Menindee*

Western lands Lease 16178 was granted to Tandou Limited, comprising Lot 6194 DP 765499 (folio identifier 6194/765499) of 524.5 hectares at Broken Hill, for the purpose of “Grazing” for a term of 20 years commencing 29 July 2008 and expiring 28 July 2028.

Papers: WLL 16178.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 16178

- (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 Lands 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.
(d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of “Grazing”.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by

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

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

In addition to the foregoing requirements of this condition, the lessee shall preserve on so much of the land leased as is not the subject of a clearing licence (where possible, in well distributed clumps or strips) not less than an average of 30 established trees per hectare, together with any other timber, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Commissioner to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.
- (28) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with

- the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (29) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (30) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (31) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (32) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (33) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (34) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (35) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (36) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (37) The Minister may, upon, request of State Forests NSW, terminate the lease at any time provided reasonable notice of such termination is given to the lessee.
- (38) 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.

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 Lease of the land specified has been granted to the undermentioned persons.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

The land is to be used only for the purpose for which the lease is granted.

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

*Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parishes – Mundybah and Nettlegoe; County – Menindee*

Western lands Lease 16182 was granted to Mitchell James Harrison, comprising Lot 6154 DP 765498 (folio identifier 6154/765498) of 121.8 hectares at Broken Hill, for the purpose of "Grazing" for a term of 20 years commencing 29 July 2008 and expiring 28 July 2028.

Papers: WLL 16182.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 16182

- (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 Lands 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.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
- “GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of “Grazing”.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (18) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his

own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.

- (19) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (20) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (21) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (22) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (23) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (24) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (25) The Lessee shall comply with the provisions of the Native Vegetation Act 2003 and any regulations made in pursuance of that Act.
- (26) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under subsection (6) is complied with.
- (27) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.
- (a) between the banks of, and within strips at least 20 metres wide along each bank of, any creek or defined watercourse;
- (b) within strips at least 30 metres wide on each side of the centre line of any depression, the sides of which have slopes in excess of 1 (vertically) in 4 (horizontally), that is, approximately 14 degrees;
- (c) where the slopes are steeper than 1 (vertically) in 3 (horizontally), that is, approximately 18 degrees;
- (d) within strips not less than 60 metres wide along the tops of any ranges and main ridges;
- (e) not in contravention of section 21CA of the Soil Conservation Act 1938.
- In addition to the foregoing requirements of this condition, the lessee shall preserve on so much of the land leased as is not the subject of a clearing licence (where possible, in well distributed clumps or strips) not less than an average of 30 established trees per hectare, together with any other timber, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Commissioner to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.
- (28) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (29) The lessee shall take all necessary steps to protect the land leased from bush fire.
- (30) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (31) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (32) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (33) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.

- (34) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (35) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (36) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (37) The Minister may, upon, request of State Forests NSW, terminate the lease at any time provided reasonable notice of such termination is given to the lessee.
- (38) 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.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 10 October 2008, Folio 9900, appearing under the heading "Granting of a Western Lands Lease", the area of Western Lands Lease 16088 should read 2448.

ERRATUM

In the notification appearing in the *New South Wales Government Gazette* of 2 February 1990, Folio 946, under the heading "Granting of a Western Lands Lease", (being Western Lands Lease 13643) the gazette publication date for the conditions of the lease should have read the 3rd August, 1973.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 3 October 2008, Folio 9679, appearing under the heading "Granting of a Western Lands Lease", the Name of Lessee of Western Lands Lease 16010 should read "Milivoj KOMLUSAN, Olga KOMLUSAN and Marko KOMLUSAN".

Department of Planning



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S06/00605)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies (being the Vincentia Coastal Village site) as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to identify development on the site that is development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies, and
- (c) to establish appropriate zoning and other development controls for the site, and
- (d) to provide for appropriate development on the site that is consistent with the principles of ecologically sustainable development, and
- (e) to provide for appropriate development on the site to promote the social and economic welfare of the community and a better environment, and
- (f) to identify and provide land within the site for environmental protection purposes.

3 Land to which Policy applies

This Policy applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)—Vincentia Coastal Village Site—Land Application Map” held at the head office of the Department.

State Environmental Planning Policy (Major Projects) 2005 (Amendment
No 29)

Clause 4

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

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

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 4)

Schedule 3 State significant sites

Insert in appropriate order in the Schedule:

Part 29 Vincentia Coastal Village site

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown edged heavy black on the Land Application Map, referred to in this Part as the *Vincentia Coastal Village site*.

2 Interpretation

(1) In this Part:

Additional Permitted Uses Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)—Vincentia Coastal Village Site—Additional Permitted Uses Map.

Building Height Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)—Vincentia Coastal Village Site—Building Height Map.

Council means the Shoalhaven City Council.

Exempt and Complying Development Controls—Vincentia Coastal Village means the document of that name as approved by the Director-General on 8 July 2008 and held at the office of the Council.

heritage item means:

- (a) an archaeological site, or
- (b) a place of Aboriginal heritage significance, or
- (c) a building, work, relic or tree that is situated within a site referred to in paragraph (a) or a place referred to in paragraph (b).

Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)—Vincentia Coastal Village Site—Land Application Map.

Land Reservation Acquisition Map means the State Environmental Planning Policy (Major Projects) 2005

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(Amendment No 29)—Vincentia Coastal Village Site—Land Reservation Acquisition Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)—Vincentia Coastal Village Site—Land Zoning Map.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part or is referred to in the definition of **heritage item** in this Part.

3 Consent authority

The consent authority for development on land within the Vincentia Coastal Village site, other than development that is a project to which Part 3A of the Act applies, is the Council.

4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
- approved by the Minister when the map is adopted, and
 - as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

5 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Vincentia Coastal Village site are this Policy and all other State environmental planning policies except for the following:

- State Environmental Planning Policy No 1—Development Standards*,

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- (b) *State Environmental Planning Policy No 71—Coastal Protection.*

Division 2 Part 3A projects

6 Part 3A projects

- (1) Such development within the Vincentia Coastal Village site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.
- (2) Subdivision of land within the Vincentia Coastal Village site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Division 3 Provisions applying to development within Vincentia Coastal Village site

7 Application of Division

This Division applies with respect to development within the Vincentia Coastal Village site and so applies whether or not the development is a project to which Part 3A of the Act applies.

8 Land use zones

- (1) For the purposes of this Part, land within the Vincentia Coastal Village site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone B2 Local Centre,
 - (c) Zone RE1 Public Recreation,

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(d) Zone E2 Environmental Conservation.

- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

9 Zone R2 Low Density Residential

- (1) The objectives of Zone R2 Low Density Residential are as follows:

- (a) to provide for the housing needs of the community within a low density residential environment,
- (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- (c) to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the public domain and the natural environment,
- (d) to promote energy efficiency and other sustainable development practices,
- (e) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).

- (2) Development for any of the following purposes is permitted without development consent on land within Zone R2 Low Density Residential:

environmental protection works; home occupations.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone R2 Low Density Residential:

bed and breakfast accommodation; boat launching ramps; building identification signs; car parks; child care centres; drainage; dual occupancies; dwelling houses; earthworks; educational establishments; filming; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; hospitals; information and education facilities; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); residential care facilities; roads; schools; seniors housing; swimming pools; veterinary hospitals.

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- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone R2 Low Density Residential unless it is permitted by subclause (2) or (3).

10 Zone B2 Local Centre

- (1) The objectives of Zone B2 Local Centre are as follows:
- (a) to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,
 - (b) to encourage employment opportunities in accessible locations,
 - (c) to maximise public transport patronage and encourage walking and cycling,
 - (d) to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the public domain and the natural environment,
 - (e) to promote energy efficiency and other sustainable development practices,
 - (f) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).
- (2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre:
- environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre:
- amusement centres; business premises; car parks; child care centres; community facilities; drainage; earthworks; educational establishments; entertainment facilities; environmental facilities; filming; flood mitigation works; food and drink premises; function centres; funeral chapels; funeral homes; health consulting rooms; hospitals; information and education facilities; kiosks; landscape and garden supplies; markets; medical centres; mixed use development; neighbourhood shops; office premises; passenger transport facilities; places of public worship; public administration buildings; pubs; recreation areas; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); registered clubs; restaurants; retail premises; roads; schools; service stations; shop top housing; signage; take

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away food and drink premises; temporary structures; tourist and visitor accommodation; veterinary hospitals.

- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone B2 Local Centre unless it is permitted by subclause (2) or (3).

11 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
- (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to enable development for the enjoyment of the community,
 - (e) to ensure the vitality and safety of the community and public domain,
 - (f) to promote landscaped areas to enhance the amenity of the area.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:
- business identification signs; environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:
- boat launching ramps; boat repair facilities; boat sheds; building identification signs; car parks; caravan parks; cemeteries; child care centres; community facilities; drainage; earthworks; environmental facilities; filming; flood mitigation works; helipads; information and education facilities; kiosks; markets; public administration buildings; recreation areas; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); registered clubs; restaurants; roads; take away food or drink premises; water recreation structures.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2) or (3).

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12 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
 - (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:
environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:
drainage; environmental facilities, filming; flood mitigation works; recreation areas; roads.
- (4) Development for any of the following purposes is prohibited on land within Zone E2 Environmental Conservation:
business premises; hotel or motel accommodation; industries; multi dwelling housing; recreation facilities (major); residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; except as otherwise provided by this Part, any other development not specified in subclause (2) or (3).

13 Additional permitted uses for particular land

- (1) Development for the purposes of bulky goods premises and timber and building supplies is permitted with consent on land in Zone B2 Local Centre and edged heavy black and hatched on the Additional Permitted Uses Map.
- (2) This clause has effect despite anything to the contrary in any other provision of this Part.

14 Subdivision consent requirements

- (1) A subdivision of land within the Vincentia Coastal Village site, including a subdivision under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986*, or the *Community Land Development Act 1989*, may be carried out only with development consent.

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- (2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

15 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Exempt and Complying Development Controls—Vincentia Coastal Village that meets the standards for the development contained in that document and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 17).
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or

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- (b) no fire safety measures are currently implemented, required or proposed for the building.

16 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Exempt and Complying Development Controls—Vincentia Coastal Village that meets the standards for the development contained in that document and that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part, is complying development.
- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, 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) A complying development certificate for development specified as complying development is subject to the conditions (if any) set out in respect of that development in Exempt and Complying Development Controls—Vincentia Coastal Village.

17 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
 - (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,

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- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) 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,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

18 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure the scale and bulk of future development is compatible with the existing urban form and surrounding natural coastal bushland,
 - (b) to ensure that new buildings do not unreasonably affect the amenity of the environment,
 - (c) to maintain solar access to public reserves, roads and buildings on the site,
 - (d) to promote development that conforms to and reflects the natural land forms, by stepping development on sloping land to follow the natural gradient.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Building Height Map.

19 Gross floor area

The total gross floor area of all buildings on land in Zone B2 Local Centre within the Vincentia Coastal Village site must not exceed 32,000 square metres.

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20 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

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- (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clauses 18, 19 or 23.

21 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (***the owner-initiated acquisition provisions***).
- Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map

Authority of the State

Zone RE1 Public Recreation and marked
"Local open space" Council

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- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

22 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within the Vincentia Coastal Village site to be carried out in accordance with this Policy or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

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23 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Part, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Part, the carrying on of the business must not involve the use of more than 60 square metres of floor area.

(3) **Kiosks**

If development for the purposes of a kiosk is permitted under this Part, the gross floor area must not exceed 80 square metres.

(4) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Part, the retail floor area must not exceed 100 square metres.

24 Development within the coastal zone

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and

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- (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and

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- (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
 - (i) on the proposed development, and
 - (ii) arising from the proposed development, and
 - (g) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
 - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

25 Architectural roof features

- (1) The objectives of this clause are:
 - (a) to ensure that architectural roof features to which this clause applies are decorative elements only and are consistent in form and scale with the surrounding natural coastal bushland, and
 - (b) to ensure that the majority of the roof features are contained within the prescribed building height.

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- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 18 may be carried out, but only with consent.
 - (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

26 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, or location or in some other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

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- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item, or
 - (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 27 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

27 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree, site or place that is a heritage item:
- (a) demolish, dismantle, move or alter the building, work, relic, tree, site or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree, site or place, or

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- (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the site or place, or
 - (f) damage any tree or land on which the building, work or relic is situated or on the land which comprises the site or place, or
 - (g) make structural changes to the interior of the building or work,

except with the consent of the consent authority.

- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, and
 - (b) would not adversely affect the significance of the heritage item.

28 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

29 Infrastructure development and use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development by, or on behalf of, a public authority is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 131)

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*. (G06/0019/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 131)

Byron Local Environmental Plan 1988 (Amendment No 131)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 131)*.

2 Aims of plan

This plan aims to amend *Byron Local Environmental Plan 1988*:

- (a) to include buildings and surrounds on part of the land to which this plan applies as an item of the environmental heritage, and
- (b) to allow, with consent, community title subdivision of the remaining land to which this plan applies in accordance with the *Community Land Development Act 1989*, being the subdivision of land approved for multiple occupancy development into rural residential lots and common property.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to part of Lot 172, DP 1121005, Ewingsdale Road, Ewingsdale, within the local government area of Byron, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 131)" deposited in the office of Byron Shire Council.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to the following land within the local government area of Byron:
 - (a) Lot 1, DP 1077449, Dry Creek Road, Upper Main Arm,
 - (b) Lot 15, DP 828349, Frasers Road, Mullumbimby Creek.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended as set out in Schedule 1.

Byron Local Environmental Plan 1988 (Amendment No 131)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 2

Insert in alphabetical order of locality under the headings “**Lot/DP**”, “**Address**” and “**Description**”, respectively:

Ewingsdale

Part of Lot 172 DP 1121005, as shown edged heavy black on the map marked “Byron Local Environmental Plan 1988 (Amendment No 131)”	Ewingsdale Road	Buildings and surrounds
--	-----------------	-------------------------

[2] Schedule 13 Community title subdivision of multiple occupancy developments

Insert after item 14 under the headings “**Item**”, “**Land**” and “**Description of development**”, respectively:

15	Lot 1, DP 1077449, Dry Creek Road, Upper Main Arm	Neighbourhood scheme creating 7 neighbourhood lots ranging in size from 0.5 to 1.5 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
16	Lot 15, DP 828349, Frasers Road, Mullumbimby Creek	Neighbourhood scheme creating 11 neighbourhood lots ranging in size from 0.4 to 1.0 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 136)

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*. (G07/00122/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 136)

Byron Local Environmental Plan 1988 (Amendment No 136)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 136)*.

2 Aims of plan

This plan aims to amend *Byron Local Environmental Plan 1988* to allow, with the consent of Byron Shire Council, the carrying out of development for the purposes of commercial premises, a community building and a shop on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land in the local government area of Byron, being Lot 456, DP 1126388, corner of Lawson and Middleton Streets, Byron Bay, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 136)" deposited in the office of Byron Shire Council.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended by inserting after item 55 in Schedule 8 the following item:

- 56 Lot 456, DP 1126388, corner of Lawson and Middleton Streets, Byron Bay, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 136)", for the purposes of commercial premises, a community building and a shop.



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 120)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N04/00018-2)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 120)

Cessnock Local Environmental Plan 1989 (Amendment No 120)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 120)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land at Cliftleigh from Zone No 1 (a) (Rural “A” Zone) to Zone No 2 (a) (Residential “A” Zone) and Zone No 6 (a) (Open Space Zone) to allow for future urban development and the conservation of ecological and riparian corridors, and
- (b) to insert new provisions requiring the consent authority to ensure that adequate provision is made for necessary public infrastructure when determining development applications relating to future urban development, and
- (c) to include certain items relating to the former Ayrfield No 1 Colliery at Cliftleigh as items of the environmental heritage under *Cessnock Local Environmental Plan 1989*.

3 Land to which plan applies

This plan applies to:

- (a) in relation to the aim referred to in clause 2 (a)—the land shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 120)” deposited in the office of Cessnock City Council, and
- (b) in relation to the aim referred to in clause 2 (b)—the whole of the land to which *Cessnock Local Environmental Plan 1989* applies, and
- (c) in relation to the aim referred to in clause 2 (c)—the land on which the former Ayrfield No 1 Colliery at Cliftleigh is situated.

Cessnock Local Environmental Plan 1989 (Amendment No 120)

Clause 4

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

Cessnock Local Environmental Plan 1989 (Amendment No 120)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

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

Cessnock Local Environmental Plan 1989 (Amendment No 120)

[2] Clause 66

Insert after clause 65:

66 Public infrastructure in urban release areas

(1) Application

This clause applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

(2) Designated State public infrastructure

The objective of subclause (3) is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(3) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(4) Subclause (3) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot created by a subdivision previously consented to in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or

Cessnock Local Environmental Plan 1989 (Amendment No 120)

Amendments

Schedule 1

-
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (6) **Public utility infrastructure**
 Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (8) In this clause:
designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:
 (a) State and regional roads,
 (b) bus interchanges and bus lanes,
 (c) rail infrastructure and land,
 (d) land required for regional open space,
 (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).
public utility infrastructure means infrastructure for any of the following purposes:
 (a) the supply of water,
 (b) the supply of electricity,
 (c) the disposal and management of sewage.
urban release area means the land shown edged heavy black on the following maps:
 Cessnock Local Environmental Plan 1989 (Amendment No 120)
- (9) This clause prevails over any other provision of this plan to the extent of any inconsistency.

Cessnock Local Environmental Plan 1989 (Amendment No 120)

Schedule 1 Amendments

[3] Schedule 3 Items of the environmental heritage

Insert at the end of the Schedule:

- 25 Former Ayrfield No 1 Colliery—Remaining Colliery relics identified in “*European Archaeological Assessment*”, Insite Heritage, April 2005.



New South Wales

Gosford Local Environmental Plan No 463

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*. (N98/00317/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 463

Gosford Local Environmental Plan No 463

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 463*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies to partly Zone No 6 (a) Open Space (Recreation) and partly Zone No 7 (a) Conservation and Scenic Protection (Conservation) under *Interim Development Order No 122—Gosford*, and
- (b) to permit, subject to the consent of the Council of the City of Gosford, the subdivision of the land to which this plan applies, and
- (c) to permit, subject to the consent of the Council of the City of Gosford, the erection of a dwelling house on each lot of land to which this plan applies that is within Zone No 7 (a) Conservation and Scenic Protection (Conservation).

3 Land to which plan applies

This plan applies to Lot 46, DP 755263, Oak Road, Matcham, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 463” deposited in the office of the Council of the City of Gosford.

4 Amendment of Interim Development Order No 122—Gosford

Interim Development Order 122—Gosford is amended as set out in Schedule 1.

Gosford Local Environmental Plan No 463

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 3

Insert in appropriate order in the definition of *I.D.C. Map* in clause 3 (1):
Gosford Local Environmental Plan No 463

[2] Clause 100D

Insert after clause 100C:

100D Development of certain land—Oak Road Matcham

- (1) This clause applies to Lot 46, DP 755263, Oak Road, Matcham, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 463” deposited in the office of the Council.
- (2) Despite any other provision of this Order, a person may, with the consent of the Council, subdivide the land to which this clause applies into 3 allotments.
- (3) The land to which this clause applies that is within Zone No 6 (a) is to fully comprise one allotment of land created under subclause (2).
- (4) A person may, with the consent of the Council, erect one dwelling-house on either or both of the allotments of land to which this clause applies that are within Zone No 7 (a).
- (5) The total number of dwelling-houses permitted on land to which this clause applies, including any dwelling-house existing on the land as at the commencement of this clause and any new dwelling-houses referred to in subclause (4), is 2.



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 42)

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*. (N02/00178/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 42)

Great Lakes Local Environmental Plan 1996 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 42)*.

2 Aims of plan

This plan aims to amend *Great Lakes Local Environmental Plan 1996*:

- (a) to rezone 2 lots from Zone No 5 (a) (Special Uses Zone) (Golf Course and Clubs) to Zone No 5 (a) (Special Uses Zone) (Club and Integrated Tourist Facility) to permit part of the land for the purposes of an integrated tourist facility, and
- (b) to permit the consolidation of the 2 lots referred to in paragraph (a), and their simultaneous redivision into 2 lots for the purpose of creating separate lots for the Forster Tuncurry Memorial Services Club and the integrated tourist facility, and
- (c) to permit the creation of separate strata lots for each tourist accommodation unit in the integrated tourist facility, but prohibit the permanent occupation of the units for residential purposes, and
- (d) to limit the height of any building erected on the land referred to in paragraph (a), and
- (e) to rezone certain other land from Zone No 1 (a) (Rural Zone) to partly Zone No 2 (a) (Low Density Residential Zone) and partly Zone No 7 (a1) (Environmental Protection Zone).

3 Land to which plan applies

- (1) With respect to the aims set out in clause 2 (a)–(d), this plan applies to Lot 1, DP 247867 and Lot 1, DP 43068, Strand Street, Forster, as shown edged heavy black and lettered “5 (a) Club and Integrated Tourist Facility” on Sheet 2 of the map marked “Great Lakes Local Environmental Plan 1996 (Amendment No 42)” deposited in the office of Great Lakes Council.

Great Lakes Local Environmental Plan 1996 (Amendment No 42)

Clause 4

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- (2) With respect to the aim set out in clause 2 (e), this plan applies to Lot 32, DP 1022829, Part Lots 78 and 79, DP 1063829, Lot 97, DP 1063829, Lot 963, DP 1124937 and part of Coolabah Close, Tea Gardens, as shown edged heavy black and lettered “2 (a)” or “7 (a1)” on Sheet 1 of that map.

4 Amendment of Great Lakes Local Environmental Plan 1996

Great Lakes Local Environmental Plan 1996 is amended as set out in Schedule 1.

Great Lakes Local Environmental Plan 1996 (Amendment No 42)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 32 Specific developments

Insert after item 5 in the Table to the clause:

6 Development of certain land—Forster Tuncurry Memorial Services Club, Strand Street, Forster

- (1) This clause applies to Lot 1, DP 247867 and Lot 1, DP 43068, Strand Street, Forster, as shown edged heavy black and lettered “5 (a) Club and Integrated Tourist Facility” on Sheet 2 of the map marked “Great Lakes Local Environment Plan 1996 (Amendment No 42)” (*Sheet 2 of the map*).
- (2) The Council may grant consent to the consolidation of Lot 1, DP 247867 and Lot 1, DP 43068 and their simultaneous redivision into 2 lots, but only if the Council is satisfied that:
 - (a) a current development consent exists for the development of the land for the purposes of an integrated tourist facility, and
 - (b) the subdivision of the land is for the purpose of creating separate lots for the Forster Tuncurry Memorial Services Club (*the Club*) and the integrated tourist facility.
- (3) The Council may grant consent to the creation of separate strata lots under the *Strata Schemes (Freehold Development) Act 1973* for each tourist accommodation unit in the integrated tourist facility, but only if the Council is satisfied that permanent occupation of the units for residential purposes is prohibited.
- (4) The maximum height of any building erected on that part of the land as is shown cross-hatched on Sheet 2 of the map is not to exceed 18.6 metres above Australian Height Datum within the meaning of the *Surveying Act 2002*.
- (5) The maximum height of any building erected on that part of the land as is shown stippled on Sheet 2 of the map is not to exceed 11.4 metres above Australian Height Datum within the meaning of the *Surveying Act 2002*.
- (6) In this clause, *integrated tourist facility* means a tourist facility for which there is a single management entity for all components of the facility, whether or not different components of the facility are owned by different persons, being an entity that has no involvement in the management of the Club.

Great Lakes Local Environmental Plan 1996 (Amendment No 42)

Amendments

Schedule 1

[2] Dictionary

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

Great Lakes Local Environmental Plan 1996 (Amendment
No 42)



New South Wales

Harden Local Environmental Plan No 7

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*. (QUE0000388/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Harden Local Environmental Plan No 7

Harden Local Environmental Plan No 7

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Harden Local Environmental Plan No 7*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 1 (a) Non-urban “A” to Zone No 2 Village or Township under *Interim Development Order No 1—Shire of Harden*.

3 Land to which plan applies

This plan applies to land within the local government area of Harden, being Lots 8–20, Section C, DP 6919, Lucan and Derby Streets, Harden, as shown edged dark scarlet and lettered “V” on the map marked “Harden Local Environmental Plan No 7” deposited in the office of Harden Shire Council.

4 Amendment of Interim Development Order No 1—Shire of Harden

Interim Development Order No 1—Shire of Harden is amended by inserting in appropriate order in the definition of ***I.D.C. Map*** in clause 2 (1) the following words:

Harden Local Environmental Plan No 7



New South Wales

Holroyd Local Environmental Plan 1991 (Amendment No 52)

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*. (P07/00812/PC-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Holroyd Local Environmental Plan 1991 (Amendment No 52)

Holroyd Local Environmental Plan 1991 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 52)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 2 (a) (Residential "A" Zone) to Zone No 4 (b) (Industrial Light Zone) under *Holroyd Local Environmental Plan 1991*.

3 Land to which plan applies

This plan applies to land situated in the City of Holroyd, being Lot 101, DP 869545, Lot 2, DP 612085 and Lot 9, DP 794341, and known as 601–607A Great Western Highway, Greystanes, as shown coloured purple, edged heavy red and lettered "4 (b)" on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No 52)" deposited in the office of the Council of the City of Holroyd.

4 Amendment of Holroyd Local Environmental Plan 1991

Holroyd Local Environmental Plan 1991 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Holroyd Local Environmental Plan 1991 (Amendment No 52)



New South Wales

Maclean Local Environmental Plan 2001 (Amendment No 19)

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*. (G08/00039-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 19)

Maclean Local Environmental Plan 2001 (Amendment No 19)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maclean Local Environmental Plan 2001 (Amendment No 19)*.

2 Aim of plan

The aim of this plan is to include in Schedule 1 (Environmental heritage) to *Maclean Local Environmental Plan 2001 (the 2001 plan)* descriptions of certain properties that are considered of heritage significance and that were exhibited as inclusions in Schedule 1 to the 2001 plan in amendments proposed to be made by *Maclean Local Environmental Plan 2001 (Amendment No 18)* but that were inadvertently omitted from the gazetted version of that amending plan.

3 Land to which plan applies

This plan applies to certain land in the localities of Chatsworth Island and Lawrence described in Schedule 1 [1] and [2] to this plan, being land within the local government area of Clarence Valley to which *Maclean Local Environmental Plan 2001* applies.

4 Amendment of Maclean Local Environmental Plan 2001

Maclean Local Environmental Plan 2001 is amended as set out in Schedule 1.

Maclean Local Environmental Plan 2001 (Amendment No 19)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Environmental heritage

Omit all matter relating to the locality of Chatsworth Island. Insert instead:

Chatsworth Island	Puntman's Cottage and ferry approach, 1990230	Chatsworth Road	Road reserve	Local
Chatsworth Island	Avenue of trees, 1990013	Chatsworth Road	Road reserve	Local
Chatsworth Island	CSR Memorial, 1990262	Chatsworth Road	Road reserve	Local
Chatsworth Island	War Memorial, 1990261	Chatsworth Road	Road reserve	Local
Chatsworth Island	Residence ("Glencoe"), 1990248	Chatsworth Road	Lot 4, DP 605338	Local
Chatsworth Island	Former Presbyterian Church, 1990149	1 Chatsworth Road	Lots 1 and 2, DP 392	Local
Chatsworth Island	Residence, 1990048	7 Chatsworth Road	Lot 8, DP 31960 and Lots 7-10, DP 392	Local
Chatsworth Island	Post Office and General Store, 1990233	9 Chatsworth Road	Lot 8, DP 31960 and Lots 7-10, DP 392	Local
Chatsworth Island	Anglican Church, 1990265	15 Chatsworth Road	Lot 14, DP 392	Local
Chatsworth Island	Community hall, 1990260	17 Chatsworth Road	Lots 15 and 16, DP 392	Local
Chatsworth Island	Residence, 1990187	27 Chatsworth Road	Lot 2, DP 223663	Local
Chatsworth Island	Residence and shop, 1990009	29 Chatsworth Road	Lot 1, DP 22413	Local
Chatsworth Island	Residence, 1990192	35 Chatsworth Road	Lots 28 and 29, DP 392	Local
Chatsworth Island	Residence, 1990186	39-57 Chatsworth Road	Lot 11, DP 804169	Local

Maclean Local Environmental Plan 2001 (Amendment No 19)

Schedule 1 Amendments

Chatsworth Island	Primary school and residence, 1990006 and 1990007	136–140 Chatsworth Road	Lot 165, DP 751373	Local
Chatsworth Island	Residence, 1990008	144 Chatsworth Road	Lot 2, DP 571949	Local
Chatsworth Island	Residence, 1990193	10 Fig Tree Lane	Lots 32 and 33, DP 392	Local
Chatsworth Island	Residence, 1990061	114 North Arm Drive	Lot 25, DP 661428	Local

[2] Schedule 1

Omit all matter relating to the locality of Lawrence. Insert instead:

Lawrence	War Memorial and park, 1990296	Bridge Street	Lot 9, Sec 3, DP 758604	Local
Lawrence	Baptist Manse, 1990292	2 Bridge Street	Lot 14, Sec 3, DP 564 and road reserve	Local
Lawrence	Baptist Church, 1990016	9 Bridge Street	Lot 21, DP 839199	Local
Lawrence	School of Arts Building, 1990015	10 Bridge Street	Lot 10, Sec 3, DP 758604	Local
Lawrence	Residence, 1990293	11 Bridge Street	Lot 2, DP 568938	Local
Lawrence	Sportsmans Creek Bridge, 1990115	21–27 Bridge Street	Lot 6, Sec 1, DP 564	Local
Lawrence	Lawrence Cemetery, 1990295	Casino Road	Lots 1–8, Sec 51, DP 758604	Local
Lawrence	Anglican Church, 1990018	63–71 High Street	Lots 6–8, Sec 16, DP 758604	Local
Lawrence	Bluff Point ferry, 1990142	Main Road 152	Clarence River Crossing	Local
Lawrence	Lawrence Museum, 1990153	2 Merton Street	Lot 11, DP 1034955	Local
Lawrence	Memorial baths remains, 1990103	off Rutland Street	Property 1113889, DP 84302	Local
Lawrence	Post Office and residence, 1990135	29–31 Rutland Street	Lots 1 and 2, DP 602497	Local

Maclean Local Environmental Plan 2001 (Amendment No 19)

Amendments

Schedule 1

Lawrence	Police Station, 1990035	33–37 Rutland Street	Lot 299, DP 822835	Local
Lawrence	Residence, 1990017	6 Stuart Lane	Lot 2, Sec 62, DP 758604	Local
Lawrence	Cricket canteen, 1990122	Ward Street	DP 758604	Local



New South Wales

Richmond River Local Environmental Plan 1992 (Amendment No 23)

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*. (G01/00023/PC-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Richmond River Local Environmental Plan 1992 (Amendment No 23)

Richmond River Local Environmental Plan 1992 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Richmond River Local Environmental Plan 1992 (Amendment No 23)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 1 (b1) (Rural (Secondary Agricultural Land) Zone) to partly Zone No 1 (c) (Rural Residential Zone) and partly Zone No 7 (c) (Environmental Protection (Flora and Fauna) Zone) under *Richmond River Local Environmental Plan 1992 (the 1992 plan)*, and
- (b) to rezone the remainder of that land from Zone No 1 (b1) (Rural (Secondary Agricultural Land) Zone) to Zone No 1 (c) (Rural Residential Zone) under the 1992 plan.

This is done by amending the definition of **THE MAP** in clause 5 (1) of the 1992 plan.

The zoning map supporting the 1992 plan currently comprises 13 sheets (identified consecutively as Map 1 to Map 13).

The effect of amending the definition of **THE MAP** is to allow for the replacement of the sheets identified as "MAP 1 of 13" and "MAP 6 of 13". The new sheets will incorporate the new zoning of the relevant land.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to Lots 174 and 175, DP 755603, Reardons Lane, Swan Bay, Parish of Donaldson, as shown edged heavy black and lettered "1 (c)" or "7 (c)" on SHEET A of the map marked "Richmond River Local Environmental Plan 1992 (Amendment No 23)" deposited in the office of Richmond Valley Council.

Richmond River Local Environmental Plan 1992 (Amendment No 23)

Clause 4

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- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lots 221 and 222, DP 1091027, and Lot 21, DP 714435, Stones Road, Naughtons Gap, Parish of North Casino, as shown edged heavy black and lettered "1 (c)" on MAP SHEET B of the map marked "Richmond River Local Environmental Plan 1992 (Amendment No 23)" deposited in the office of Richmond Valley Council.

4 Amendment of Richmond River Local Environmental Plan 1992

Richmond River Local Environmental Plan 1992 is amended as set out in Schedule 1.

Richmond River Local Environmental Plan 1992 (Amendment No 23)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert before the matter relating to MAP 3 in the definition of *THE MAP* in clause 5 (1):

MAP 1—replaced by *Richmond River Local Environmental Plan 1992 (Amendment No 23)*

[2] Clause 5 (1), definition of “THE MAP”

Omit “*Amendment No 25*” from the matter relating to MAP 6.

Insert instead “*Amendment No 23*”.

Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0237)

No. 3611, COALWORKS LIMITED (ACN 114 702 831), area of 99 units, for Group 10 and Group 2, dated 5 November 2008. (Wagga Wagga Mining Division).

(T08-0238)

No. 3612, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), area of 6 units, for Group 2, dated 6 November 2008. (Orange Mining Division).

(T08-0239)

No. 3613, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 53 units, for Group 1, dated 6 November 2008. (Cobar Mining Division).

(T08-0240)

No. 3614, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 39 units, for Group 1, dated 6 November 2008. (Cobar Mining Division).

(T08-0241)

No. 3615, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 49 units, for Group 1, dated 6 November 2008. (Cobar Mining Division).

(T08-0242)

No. 3616, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 62 units, for Group 1, dated 6 November 2008. (Cobar Mining Division).

(T08-0243)

No. 3617, TUNGSTEN NSW PTY LTD (ACN 123 370 365), area of 3 units, for Group 1, dated 8 November 2008. (Sydney Mining Division).

(T08-0244)

No. 3618, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), area of 59 units, for Group 1, dated 10 November 2008. (Cobar Mining Division).

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

NOTICE is given that the following application has been granted:

MINING LEASE APPLICATION

(08-4530)

Armidale No. 321, now Mining Lease No. 1624 (Act 1992), NAMOI MINING PTY LTD (ACN 071 158 373), Parish of Gunnedah, County of Pottinger, Map Sheet (8936-3-S), area of 233.9 hectares, to mine for coal, dated 5 November 2008, for a term until 5 November 2029. As a result of the grant of this title, Consolidated Coal Lease No. 701 (Act 1973) and Exploration Licence No. 5183 have partly ceased to have effect.

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

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(07-204)

No. 3099, PROJECTCARE & ASSOCIATES PTY LTD, HORNET RESOURCE ASSESSMENT SERVICES PTY LTD, JOHN NITSCHKE DRILLING PTY LTD and Peter WILLIAMS, County of Mootwingee and County of Yantara, Map Sheet (7337). Refusal took effect on 5 November 2008.

(07-206)

No. 3101, PROJECTCARE & ASSOCIATES PTY LTD, HORNET RESOURCE ASSESSMENT SERVICES PTY LTD, JOHN NITSCHKE DRILLING PTY LTD and Peter WILLIAMS, County of Evelyn, Map Sheet (7237). Refusal took effect on 5 November 2008.

(07-207)

No. 3102, PROJECTCARE & ASSOCIATES PTY LTD, HORNET RESOURCE ASSESSMENT SERVICES PTY LTD, JOHN NITSCHKE DRILLING PTY LTD and Peter WILLIAMS, County of Poole and County of Tongowoko, Map Sheet (7239). Refusal took effect on 5 November 2008.

(07-208)

No. 3103, PROJECTCARE & ASSOCIATES PTY LTD, HORNET RESOURCE ASSESSMENT SERVICES PTY LTD, JOHN NITSCHKE DRILLING PTY LTD and Peter WILLIAMS, County of Evelyn, Map Sheet (7238). Refusal took effect on 5 November 2008.

(07-209)

No. 3104, PROJECTCARE & ASSOCIATES PTY LTD, HORNET RESOURCE ASSESSMENT SERVICES PTY LTD, JOHN NITSCHKE DRILLING PTY LTD and Peter WILLIAMS, County of Evelyn, County of Mootwingee and County of Yantara, Map Sheet (7237, 7337). Refusal took effect on 5 November 2008.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(07-491)

No. 3351, CENTAURUS RESOURCES LIMITED (ACN 120 281 969), County of Ashburnham and County of Kennedy, Map Sheet (8532). Withdrawal took effect on 10 November 2008.

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

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

(04-558)

Exploration Licence No. 6356, MONARO MINING NL (ACN 073 155 781), area of 7 units. Application for renewal received 6 November 2008.

(06-4114)

Exploration Licence No. 6671, EASTERN IRON LIMITED (ACN 126 678 037) and PLATSEARCH NL (ACN 003 254 395), area of 99 units. Application for renewal received 5 November 2008.

(06-4115)

Exploration Licence No. 6672, EASTERN IRON LIMITED (ACN 126 678 037) and PLATSEARCH NL (ACN 003 254 395), area of 80 units. Application for renewal received 5 November 2008.

(06-4142)

Exploration Licence No. 6686, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 37 units. Application for renewal received 11 November 2008.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(06-83)

Exploration Licence No. 6717, OROYA MINING LIMITED (ACN 009 146 794), County of Auckland, Map Sheet (8823), area of 98 units. Cancellation took effect on 10 November 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C03-0121)

Exploration Licence No. 5498, NEWCASTLE COAL COMPANY PTY LTD (ACN 074 900 208), County of Northumberland, Map Sheets (9132, 9232), area of 1475 hectares, for a further term until 23 July 2011. Renewal effective on and from 4 November 2008.

(T02-0034)

Exploration Licence No. 5973, STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), County of Sandon, Map Sheet (9236), area of 29 units, for a further term until 18 August 2010. Renewal effective on and from 4 November 2008.

(06-109)

Exploration Licence No. 6571, AUZEX RESOURCES LIMITED (ACN 106 444 606), Counties of Gough and Hardinge, Map Sheets (9137, 9138), area of 50 units, for a further term until 12 June 2010. Renewal effective on and from 7 November 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

P. A. MANN,
General Manager,
Gilgandra Shire Council
(by delegation from the Minister for Roads)
Dated: 5 November 2008

SCHEDULE

1. Citation

This Notice may be cited as Gilgandra Shire Council's Road Train Vehicle Route Notice No. 5/2008.

2. Commencement

This Notice takes effect on 14 November 2008.

3. Effect

This Notice remains in force until 31 December 2008 unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Conditions</i>
RT.	000.	Gilgandra Shire Council Area.	<p>All local roads west of the Newell Highway (H17)</p> <p>Travel is not permitted during the following hours on school days: 7.45am to 9am and 3.30pm to 4.45pm.</p> <p>There is no road train access from local roads to the Newell Highway (H17) north of Gilgandra.</p> <p>There is a 10 tonne load limit on the bridge over the Wambelong Creek on Box Ridge Road west of Gummin Gummin.</p> <p>There is a 30 tonne, 15kmph load limit on the bridge over the Terrabile Creek at Curban on National Park Road.</p> <p>Speed on gravel roads is not to exceed 60kmph.</p> <p>Routes will operate from 14 November 2008 to 31 December 2008.</p>

ROAD TRANSPORT (GENERAL) ACT 2005

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

PARKES SHIRE COUNCIL in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ALAN McCORMACK,
General Manager,
Parkes Shire Council
(by delegation from the Minister for Roads)
6 November 2008

SCHEDULE**1. Citation**

This Notice may be cited as Parkes Shire 25 metre B-Double Notice No. 3/2008.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
37.	Kentucky Lane.	Newell Highway.	Kadina Road.	Travel not permitted on school days between 8am and 9am and between 3.30pm and 4.30pm. 80km/h speed limit applies.
58.	Cooks Myalls Lane.	Condobolin Road.	Freebairn Lane.	
77.	Plowmans Lane.	Alectown Road.	Bogan Road.	
80.	Wards Lane.	Plowmans Lane.	Newell Highway.	
82.	Freebairn Lane.	Condobolin Road.	Back Trundle Road.	
84.	Back Trundle Road.	Freebairn Lane.	Hopetoun Lane.	
87.	Glenara Lane.	Bogan Road.	Clipsham Road.	
102.	Avondale Road.	Bogan Road.	Alectown West Road.	
102.	Alectown Road.	Newell Highway at Alectown.	Avondale Road.	
79A.	Wyatts Lane.	Bogan Road.	Oreil Property entrance.	

ROAD TRANSPORT (GENERAL) ACT 2005

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

CANTERBURY CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

JIM MONTAGUE,
General Manager,
Canterbury City Council
(by delegation from the Minister for Roads)
5 November 2008

SCHEDULE**1. Citation**

This Notice may be cited as Canterbury City Council 25 Metre B-Double route Notice No. 01/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	Belmore Road, Punchbowl.	Wiggs Road.	62 Belmore Road.	Deliveries only between 7.30am-5.30pm, Mon – Fri, 7.30am-1.00pm, Sat.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 12/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	54	Crookwell Road, Crookwell	MR248 Laggan Road	MR52 Grabben Gullen Road (Stephenson Street)	

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

Notice of Compulsory Acquisition of Land at Cecil Hills
in the Liverpool City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Liverpool City Council area, Parish of Cabramatta and County of Cumberland, shown as:

Lot 111 Deposited Plan 1130459, being part of the land in Certificate of Title 1/1062502; and

Lots 107, 108 and 110 Deposited Plan 1130459, being parts of the land in Certificate of Title 2/875867;

excluding any existing easements from the compulsory acquisition of the land listed above.

The land is said to be in the possession of Liverpool City Council.

(RTA Papers: FPP 8M3328; RO 259.12382)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at
Gumly Gumly in the Wagga Wagga City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Wagga Wagga City Council area, Parish of Gumly Gumly and County of Wynyard, shown as Lot 22 Deposited Plan 1122318.

(RTA Papers: 14/468.1118)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 55A

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Punjabi Study Circle Australia (Sydney) Incorporated
INC9878890

Youthopia – Young Volunteers Australia Incorporated
INC9879226

Premie Babies Incorporated INC9879786

Valentine Festival Committee Incorporated
INC9883059

International Music Forum Committee Incorporated
INC9885221

H.A.S.G. Students' Association Incorporated
INC9879553

CHRISTINE GOWLAND,
Manager,
Financial Analysis Branch,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce
10 November 2008

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Peak Hill Urban Landcare Incorporated INC9876740
NSW/ACT Biathlon Association Incorporated
INC9878474

Tamworth and District Trail Riders Association
Incorporated Y2834216

Australian Cotton Shippers Association Inc Y1236638

Ocean Shores Country Club Social Amateur Fishing
Club Inc Y1480332

Helping Hand Inc Y0182445

Kendall Rural Education Centre Incorporated
INC9886631

Challenge Cowra Incorporated Y1770811

CHRISTINE GOWLAND,
Manager,
Financial Analysis Branch,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce
10 November 2008

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Nowra, 10:00 a.m., 2 March 2009 (2 weeks), in lieu of
30 March 2009 (2 weeks).

Dated this 5th day of November 2008.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

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

Nowra, 10:00 a.m., 16 March 2009 (1 week).

Dated this 5th day of November 2008.

R. O. BLANCH,
Chief Judge

ELECTRICITY SUPPLY ACT 1995

Factors for Determining Greenhouse Gas
Benchmarks for 2009

IN accordance with section 97BF of the Electricity Supply Act 1995, the Tribunal has determined the following factors for the purpose of determining greenhouse gas benchmarks for benchmark participants for 2009:

- (a) NSW Pool Coefficient = 0.967 tCO₂-e /MWh
- (b) Total State Electricity Demand = 80,109 GWh
- (c) Total State Population = 7,041,800
- (d) Electricity Sector Benchmark = 51,193,886 tCO₂-e

These factors may also be viewed on the NSW Greenhouse Gas Reduction Scheme website at www.greenhousegas.nsw.gov.au.

Inquiries should be directed to Mr Gary Drysdale on (02) 9290 8477 or ipart@ipart.nsw.gov.au.

JAMES P. COX,
Chief Executive Officer
and Full Time Member

Independent Pricing and Regulatory Tribunal,
PO Box Q290, QVB Post Office NSW 1230.

FIRE BRIGADES ACT 1989

Erratum

THE Official Notices section of the *New South Wales Government Gazette* published on the 7 September 2007, Gazette No. 116, page 7005, contains errors in that the Fire Districts of Campbelltown and Liverpool should have been shown as "Sydney Fire District".

The correct information is shown in the following schedule.

SCHEDULE

Sydney Fire District

Comprising the existing Fire District in Campbelltown City Council, with additions and deletions as delineated on Map No. 088/05/01 kept in the office of the NSW Fire Brigades.

Sydney Fire District

Comprising the existing Fire District in Liverpool City Council, with additions and deletions as delineated on Map No. 008/05/1 kept in the office of the NSW Fire Brigades.

GEOGRAPHICAL NAMES ACT 1966

Erratum

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day assigned the name Oaky Creek to a watercourse which flows from an area about 3 km east by north of Boonanghi trigonometrical station. It is about 10 km in length and flows generally in an easterly direction into the Macleay River at a point about 4 km south-west of Turners Flat Bridge.

The position and extent of this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairman

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

GEOGRAPHICAL NAMES ACT 1966

Erratum

IN the notice referring to the assignment of the name Stoney Creek, Folio 2498, 26 April 2002, the name was incorrectly spelt. The correct spelling for this feature is Stony Creek. This notice corrects that error.

WARWICK WATKINS,
Chairman

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

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ACT 1997

Order

I, John DELLA BOSCA, Minister for Health:

- a. pursuant to section 5 (1) and (2) of the Health Professional (Special Events Exemption) Act 1997 ("the Act") do hereby declare the 2009 Australian Youth Olympic Festival to be a special event for the purpose of the Act; and
- b. pursuant to section 5 (3) of the Act, do hereby specify the period from 1 to 31 January 2009, both days inclusive, as the period during which the exemptions under section 11 (1), (2) and (3) of the Act shall have effect; and

- c. pursuant to section 5 (5) of the Act, do hereby specify for the purposes of section 7 (c) of the Act that the Australian Olympic Committee shall be required to notify in writing to the NSW Department of Health the following information:
 - (i) the names of the visiting health professionals, being medical practitioners and physiotherapists, who will be providing health care services to visitors within section 6 of the Act (being international youth Olympic team members at the 2009 Australian Youth Olympic Festival), and who have been designated by the Australian Olympic Committee as "registered 2009 Australian Youth Olympic Festival doctors" and "registered 2009 Australian Youth Olympic Festival physiotherapists" respectively; and
 - (ii) the name of the country to whose team members those visiting medical practitioners or physiotherapists will be providing health care services; and
- d. pursuant to section 10 (2) (a) of the Act, do hereby authorise a visiting medical practitioner who has been designated as a "registered 2009 Australian Youth Olympic Festival doctor" in accordance with clause c (i) above, to issue written prescriptions for restricted substances or drugs of addiction within the meaning of the NSW Poisons and Therapeutic Goods Act 1966, providing that:
 - (i) those prescriptions are only issued for the treatment of team members of a named international youth Olympic team referred to in paragraph c (ii) above; and
 - (ii) such prescriptions otherwise satisfy the requirements of the NSW Poisons and Therapeutic Goods Act 1966 and any Regulation made under that Act, and are completed in any such manner as the Director-General or the Chief Pharmacist of the Department of Health may require.

Signed this 11th day of November 2008.

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

LOCAL GOVERNMENT ACT 1993

Proclamation

JAMES SPIGLEMEN, AC, Lieutenant Governor

I, the Hon. JAMES SPIGLEMEN, AC, Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 207 of the Local Government Act 1993, do by this Proclamation, declare that the Area of the Shire of Baulkham Hills as constituted by proclamation in *New South Wales Government Gazette* No. 121 of 7 March 1906, under the Local Government (Shires) Act 1905, and altered by proclamations in *New South Wales Government Gazettes* No. 28 of 27 February 1925, No. 166 of 23 October 1936 and No. 56 of 21 May 1948, under the Local Government Act 1919, be renamed The Hills Shire.

Signed and sealed at Sydney, this 22nd day of October 2008.

By His Excellency's Command,

BARBARA PERRY, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

MENTAL HEALTH ACT 2007

Section 109

I, Professor DEBORA PICONE, AM, Director-General of the NSW Department of Health, in pursuance of the provisions of section 109 of the Mental Health Act 2007, DO HEREBY:

- (a) DECLARE the premises listed in Column 2 below to be a mental health facility for the purposes of the Mental Health Act 2007, with the name listed in column 1;
- (b) DECLARE such facility to be designated as a class of facilities to be known as “health care agencies” for the purposes of section 109 (2) (a);
- (c) RESTRICT such facility to the provision of services and performance of functions necessary for or associated with the administration or management of a community treatment order under the Mental Health Act 2007.

I further declare that, in accordance with the terms of section 109 (1) (c), sections 111 and 112 of the Act do not apply in respect of these facilities.

<i>Column 1</i>	<i>Column 2</i>
Temora Community Mental Health and Drug and Alcohol Service.	294-296 Hoskins Street, Temora NSW 2666.

Dated, this 11th day of November 2008.

DEBORA PICONE, AM,
Director-General

OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001

Exemption Order No. 013/08

I, JOHN WATSON, General Manager, Occupational Health and Safety Division, of the WorkCover Authority of New South Wales, pursuant to clause 348 of the Occupational Health and Safety Regulation 2001 make the following Order.

Dated this 12th day of November 2008.

JOHN WATSON,
General Manager,
Occupational Health and Safety Division,
WorkCover Authority of New South Wales

Explanatory Note

Clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation) provides that WorkCover may by order published in the *New South Wales Government Gazette* exempt any class of person or things from a specified provision of the Regulation.

This Order exempts:

- Principal contractors from sub-clauses 213 (1) and 213 (1A) of the Regulation in relation to certain persons carrying out construction work on a construction project and the requirement for those persons to have undergone general health and safety induction training that complies with clause 217 of the Regulation;
- Employers from sub-clauses 214 (1) and 214 (1A) of the Regulation in relation to certain persons carrying out construction work and the requirement for those

persons to have been provided with general health and safety induction training that complies with clause 217 of the Regulation;

- Certain self-employed persons from sub-clause 215 (1) of the Regulation in relation to carrying out construction work and the requirement for those persons to have undergone general health and safety induction training that complies with clause 217 of the Regulation; and
- Certain persons carrying out construction work from clause 215A of the Regulation and the requirement for those persons to produce for inspection immediately an OHS induction training certificate at the direction of an inspector.

The exemption only applies in relation to holders of “WorkCover Approved Cards”. “WorkCover Approved Cards” include:

- Construction Induction Cards issued by SafeWork South Australia (White Cards);
- Proof-of-training cards issued under the Victorian Construction Industry Basic OHS Induction Training Agreement (Red Cards);
- Construction Induction Cards as defined in the Occupational Health and Safety Regulations 2007 (Vic) (Construction Induction Cards); and
- A “general induction card” as defined under Schedule 9 to the Workplace Health and Safety Regulation 1997 (Qld) (Blue Card).

The exemption also only applies in relation to obligations with respect to general health and safety induction training that complies with clause 217 of the Regulation. The exemption is granted subject to certain conditions.

This Order also withdraws Exemption Order No. 013/06 which was for the period from 1 January 2007 until 1 January 2009 relating to:

- Proof-of-training cards issued under the Victorian Construction Industry Basic OHS Induction Training Agreement (Red Cards) and
- a “general induction card” as defined under Schedule 9 to the Workplace Health and Safety Regulation 1997 (Qld) (Blue Card)

Occupational Health and Safety Regulation 2001 Exemption Order No. 013/08

1. Name of Order

This Order is the Occupational Health and Safety Regulation 2001: Exemption Order No. 013/08.

2. Commencement

This Order commences on the date of gazettal and has effect for the period up until 1 April 2010, unless sooner withdrawn by WorkCover under clause 348 (5) of the Regulation.

3. Withdrawal of Exemption Order No. 013/06

The Occupational Health and Safety Regulation 2001: Exemption Order No. 013/06 is withdrawn.

4. Exemption

This Order exempts:

1. Principal contractors from sub-clauses 213 (1) and 213 (1A) of the Regulation in relation to general health and safety induction training that complies

with clause 217 of the Regulation for the holders of WorkCover Approved Cards carrying out construction work on a construction project;

2. Employers from sub-clauses 214 (1) and 214 (1A) of the Regulation in relation to general health and safety induction training that complies with clause 217 of the Regulation for the holders of WorkCover Approved Cards carrying out construction work;
3. Self-employed persons holding WorkCover Approved Cards from sub-clause 215 (1) of the Regulation in relation to general health and safety induction training that complies with clause 217 of the Regulation for carrying out construction work; and
4. Persons carrying out construction work who hold WorkCover Approved Cards from clause 215A of the Regulation.

5. Conditions

This Exemption is issued subject to the following conditions:

(1) Principal contractor

- (i) A principal contractor for a construction project must not direct or allow another person to carry out construction work on the construction project unless the principal contractor is satisfied that the person is a holder of a WorkCover Approved Card.
- (ii) The only evidence on the basis of which a principal contractor may be satisfied that a person has been issued with a WorkCover Approved Card is the production by the person of a WorkCover Approved Card.
- (iii) A principal contractor for a construction project must keep a copy of a WorkCover Approved Card in relation to each relevant person carrying out construction work on the construction project, until 3 years after the project is completed.

(2) Employer

- (i) An employer must ensure that any employee whom the employer employs to carry out construction work is a holder of a WorkCover Approved Card.
- (ii) The only evidence on the basis of which an employer may be satisfied that a person has been issued with a WorkCover Approved Card is the production by the person of a WorkCover Approved Card.
- (iii) An employer must keep a copy of a WorkCover Approved Card in relation to each employee carrying out construction work, until 3 years after the employee has ceased to be employed by the employer.

(3) Self-employed persons

- (i) A self-employed person must not carry out construction work unless the person holds a WorkCover Approved Card.

(4) Person carrying out construction work

- (i) A person holding a WorkCover Approved Card carrying out construction work must produce the WorkCover Approved Card for inspection immediately when directed to do so by an inspector.

- (ii) A person holding a current WorkCover Approved Card carrying out construction work must also produce for inspection immediately any relevant form of identity of the person, including a sample of the person's usual signature or driver's licence, when directed to do so by an inspector.

- (iii) A person holding a WorkCover Approved Card carrying out construction work must not fail to comply with a direction given by an inspector under paragraphs (4) (i) and (ii) above.

6. Definitions

In this Order a "WorkCover Approved Card" includes:

- (a) A current 'Construction Induction Card'. The card is uniquely numbered and must bear the SafeWork South Australia logo. The card is colloquially known as a "White Card";
- (b) A current proof-of-training card issued to a person (holder) under the Victorian Construction Industry Basic OHS Induction Training Agreement. The card is uniquely numbered and must bear the "Foundations for Safety" logo. The card is colloquially known as a "Red Card" but is not necessarily red in colour;
- (c) A current "Construction Induction Card" as defined in the Occupational Health and Safety Regulations 2007 (Vic). The card is uniquely numbered and must bear the WorkSafe Victoria logo. The card is known as the Construction Induction Card; and
- (d) A current "general induction card" as defined under Schedule 9 to the Workplace Health and Safety Regulation 1997 (Qld). The card is uniquely numbered and must bear the "Queensland Government Department of Industrial Relations" logo. The card is colloquially known as a "Blue Card".

In this Order all terms and definitions are consistent with the terms and definitions contained in the Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,
A/Manager, Dangerous Goods,
Department of Environment and Climate Change
(by delegation)

SCHEDULE

Aircraft (Pesticide Applicator) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
CALLAGHAN AGRICULTURAL SERVICES PTY LTD, Farm 608, Gilbert Road, Coleambally NSW 2707.	10 November 2008.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 175 (1), Poisons and Therapeutic Goods Regulation 2008.

Withdrawal of Drug Authority

IN accordance with the provisions of clause 175 (1) of the Poisons and Therapeutic Goods Regulation 2008 an order has been made on Rowena PIERCE, RN0781671, 1231-1237A Elizabeth Drive, Mount Vernon NSW 2171 prohibiting her until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation.

This order is to take effect on and from 14 November 2008.

Sydney, 11 November 2008.

Professor DEBORA PICONE, A.M.,
Director-General,
Department of Health, New South Wales,

Appearances by accused persons or defendants in criminal proceedings

7. When making arrangements for the appearance of accused persons or defendants in proceedings, the Court will have regard to the operational requirements of the departments of Juvenile Justice and Corrective Services. It will also have regard to the following priorities for the use of AVL:

1. Bail hearings in any NSW court
2. Mentions in criminal proceedings and arraignment hearings in any NSW court
3. Appellate hearings in any NSW court
4. Sentencing hearings in any NSW court and
5. Other hearings in any NSW court.

J. J. SPIGELMAN, AC,
Chief Justice of New South Wales
6 November 2008

Related information

- This Practice Note was issued on 6 November 2008 and commenced on 1 January 2009.
- Evidence (Audio and Audio-Visual Links) Act 1998.

PRACTICE NOTE SC GEN 15

Supreme Court General – Use of Audio-Visual Links in Criminal and certain Civil Proceedings

Commencement

1. This Practice Note commences on 1 January 2009.

Application

2. This Practice Note applies to civil and criminal proceedings.

Definitions

3. In this Practice Note:
Act means Evidence (Audio and Audio-Visual Links) Act 1998
AVL means audio-visual links
AVL directions has the same meaning as in the Evidence (Audio and Audio-Visual Links) Act 1998
Government agency witnesses has the same meaning as in the Evidence (Audio and Audio-Visual Links) Act 1998
Designated government agencies has the same meaning as in the Evidence (Audio and Audio-Visual Links) Act 1998

Introduction

4. The purpose of this Practice Note is to establish arrangements for the use of AVL in criminal and certain civil proceedings.

Appearances by government agency witnesses

5. If they have not already done so, no less than 10 working days prior to a hearing parties to the proceedings are to advise the Court and each other if Government witnesses are to give evidence by AVL.

Applications by designated government agencies

6. Applications by Government agencies to make AVL directions are to be lodged at the Court no later than 10 working days prior to a hearing. Copies are to be served on parties to the proceedings.

SUBORDINATE LEGISLATION ACT 1989

Commission for Children and Young People

Notice under Section 5 of the
Subordinate Legislation Act 1989

Making of the Commission for Children and
Young People Regulation 2008

THE Commission for Children and Young People (CCYP) administers the Commission for Children and Young People Act 1998 (the Act). The Government is making a regulation to give effect to section 33P of the Act. The regulation will be called the Commission for Children and Young People Regulation 2008.

The proposed regulation will provide that self employed persons in child-related employment must obtain a certificate to demonstrate they are not prohibited from child-related employment under the Act. Child-related employment is defined under section 33 (1) (a) of the Act. A Prohibited Person is defined under section 33B of the Act. The proposed regulation promotes the safety and welfare of children by preventing prohibited persons from engaging in child-related employment.

The proposed draft Commission for Children and Young People Regulation 2008 and the regulatory impact statement are on public exhibition from 24 November 2008 to 12 December 2008. They can be obtained from the CCYP's website www.kids.nsw.gov.au or viewed between 9.00am and 5.00pm, business days, at:

Commission for Children and Young People
Level 2, 407 Elizabeth Street
Surry Hills NSW 2010

The CCYP invites written comments and submissions by Friday 12 December 2008, addressed to:

Regulation
Commission for Children and Young People
Level 2, 407 Elizabeth Street
Surry Hills NSW 2010

or Regulation@kids.nsw.gov.au

TRANSPORT ADMINISTRATION ACT 1988**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land for the
Purposes of Rail Corporation New South Wales

RAIL CORPORATION NEW SOUTH WALES, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of Rail Corporation New South Wales, as authorised by the Transport Administration Act 1988.

Dated this 1st day of November 2008.

ROB MASON,
Chief Executive Officer

SCHEDULE
(Lease only)

A lease as determined between Rail Corporation New South Wales and Liverpool City Council of all that piece or parcel of land situate at Hammondville in the Local Government Area of City of Liverpool, Parish of Holsworthy, County of Cumberland and State of New South Wales, having an area of approximately 7430sqm and identified as Lot A on GIS Plot dated 2.06.2008 and cataloged as drawing No. R30953 in RailCorp's Property Division, being part of the land comprised within Lot 2, Deposited Plan 747513 said to be in possession of Liverpool City Council.

RailCorp Reference: 303191.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The foundry sand in recovered aggregate exemption 2008

Name

1. This exemption is to be known as 'The foundry sand in recovered aggregate exemption 2008'.

Commencement

2. This exemption commences on 17 November 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 9
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 45 and 47 of the Regulation	all requirements specified in section 7 and 10

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the foundry sand for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of foundry sand within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which foundry sand are applied. Where a person responsible for transporting the foundry sand to the land application site is also the party applying the foundry sand, this person must meet the responsibilities of the consumer.

Generator means a person who generates, supplies, causes, or permits the supply of foundry sand to a processor.

Foundry sand means material recovered from the moulds used in the hot casting of iron, steel and aluminium metals, comprised predominantly of sand and fine sand rejects from sand recovery systems. Foundry sand does not include other materials from foundries such as bag dusts, dross and slags, or foundry sand from the casting of other materials, including brass, bronze, stainless steel or any other metal alloys, combination of alloys or hot dipping or surface treating.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of foundry sand that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates foundry sand into a material for supply to a consumer.

Recovered aggregate means material that meets the conditions of ‘The recovered aggregate exemption 2008’.

Relevant waste means foundry sand that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the foundry sand on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The chemical concentration or other attribute of the foundry sand listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
 - 7.2. The foundry sand can only be applied to land if mixed or blended with, or otherwise incorporated into, recovered aggregate at less than 20% by weight.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
 - 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the foundry sand is generated as part of a continuous process, the generator must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
 - 8.3. Where the foundry sand is not generated as part of a continuous process, the generator may undertake once-off sampling of a batch, truckload or stockpile of foundry sand according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.4. Where there is a change in inputs that is likely to affect the properties in the foundry sand, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
 - 8.5. Generators must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
 - 8.6. Records of the quantity of foundry sand supplied to the processor and the processor's name and address must be kept for a period of three years.
 - 8.7. The generator of foundry sand must provide a written statement of compliance to the processor with each transaction, certifying that the foundry sand complies with the relevant conditions of this exemption.
 - 8.8. The generator of foundry sand must make information on the latest characterisation and routine test results available to the processor.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:
 - 9.1. The foundry sand must be or blended with, or otherwise incorporated into, recovered aggregate at less than 20% by weight.
 - 9.2. Records of the quantity of foundry sand supplied to the consumer and the consumer's name and address must be kept for a period of three years.

- 9.3. The processor of foundry sand must provide a written statement of compliance to the consumer with each transaction, certifying that the foundry sand complies with the relevant conditions of this exemption.
- 9.4. The processor of foundry sand must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

10. The following conditions must be met by the consumer for this exemption to apply:

- 10.1. Records of the quantity of the foundry sand received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 10.2. The consumer must not allow the direct application of foundry sand to land.
- 10.3. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

11. This Notice of Exemption only applies to foundry sand where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.15	Not required	0.3	13.1
2. Cadmium	0.5	0.5	1	13.2
3. Lead	15	15	30	13.2
4. Arsenic	5	Not required	10	13.2
5. Beryllium	1.5	Not required	3	13.2
6. Chromium (total)	40	40	80	13.2
7. Copper	40	40	80	13.2
8. Molybdenum	10	Not required	20	13.2
9. Nickel	20	20	40	13.2
10. Selenium	3	Not required	5	13.2
11. Silver	5	Not required	10	13.2
12. Zinc	50	50	100	13.2
13. Fluoride	100	Not required	200	13.3
14. Electrical Conductivity	1 dS/m	1 dS/m	2 dS/m	13.4
15. pH*	7 to 8	Not required	6 to 9	13.4

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the foundry sand.

Sampling and testing requirements

12. This Notice of Exemption only applies to foundry sand sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every year.	5 composite samples per 1,000 tonnes or 5 composite samples per 1 month.	10 composite samples per 1,000 tonnes.

Test methods

13. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 13.1. Test methods for measuring the mercury concentration in foundry sand:
 - 13.1.1. Particle size reduction & sample splitting may be required.
 - 13.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 2 (i.e. 0.03 mg/kg dry weight).
 - 13.1.3. Report as mg/kg dry weight.
- 13.2. Test methods for measuring chemicals 2 - 12 in foundry sand:
 - 13.2.1. Particle size reduction & sample splitting may be required.
 - 13.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils (or equivalent).
 - 13.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 1.5 mg/kg dry weight for lead).
 - 13.2.4. Report as mg/kg dry weight.
- 13.3. Test methods for measuring the fluoride concentration in foundry sand:
 - 13.3.1. Particle size reduction & sample splitting may be required.
 - 13.3.2. Analysis using Method 404 (Fluoride). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 i.e. 20 mg/kg dry weight).
 - 13.3.3. Report as mg/kg dry weight.

- 13.4. Test methods for measuring the electrical conductivity and pH in foundry sand:
 - 13.4.1. Sample preparation by mixing 1 part foundry sand with 5 parts distilled water.
 - 13.4.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 13.4.3. Report electrical conductivity in deciSiemens per metre (dS/m), and pH as pH.

Exemption Granted

Steve Hartley
Acting Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BERRIGAN SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BERRIGAN SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding mines and deposits of minerals within those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a recycling centre. Dated at Berrigan, this 14th day of October 2008. ROWAN PERKINS, General Manager, Berrigan Shire Council, PO Box 137, Berrigan NSW 2712.

SCHEDULE

Lot 176, DP 752299.

Lot 243, DP 823016.

Lot 244, DP 823016.

[4276]

BERRIGAN SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BERRIGAN SHIRE COUNCIL declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a garbage tip. Dated at Berrigan, this 14th day of October 2008. ROWAN PERKINS, General Manager, Berrigan Shire Council, PO Box 137, Berrigan NSW 2712.

SCHEDULE

Lot 159, DP 823017.

[4277]

CLARENCE VALLEY COUNCIL

NOTICE is hereby given that Clarence Valley Council in pursuance of section 162 of the Roads Act 1993, are advising that the following roads have been adopted within the Shire:

Location

Name

North off Clark Road, Trenayr, in the subdivision of Lot 39, DP 1054235 and Lot 2, DP 798922.

Adonus Close.

North off McIntyres Lane, Gulmarrad, in the subdivision of Lot 28, DP 872650.

Albert Place.

Subdivision of Lot 20, DP 1109055, north-west of Clear Water Close, Grafton.

Babinda Court.

Subdivision of Lot 6, DP 258383, off Armidale Road, Elland.

Brandy Place.

Location

Subdivision of Lot 93, DP 1050067, off Scullin Street, Townsend.

Name

Celtic Court.

Subdivision of Lots 1-4, DP 871488, off Kent Street, Grafton.

Clear Water Close.

Subdivision of Lots 16 and 17, DP 1048187, west off Rosella Road, Gulmarrad.

Cockatiel Crescent.

Subdivision of Lot 2, DP 1018427, west off Queen Street, Grafton.

Cowper Close.

Subdivision of Lot 93, DP 1050067, off Scullin Street, Townsend.

Edinburgh Drive.

Subdivision of Lots 2 and 3, DP 565611 and Lots 2 and 3, DP 596578, off Quaterdeck Place, Yamba.

Fairtrader Drive.

South off Brooms Head Road, Gulmarrad, in the subdivision of Lot 24, DP 848212.

Fairy Wren Close.

Subdivision of Lots 2 and 3, DP 263404, south off Iluka Road, Woombah.

Gecko Court.

Formally known as Gibbons Lane, Woodford Island, between Dents Lane in the south and Roberts Creek Road to the north.

Gibbons Lane.

East off Sunart Street, Maclean, to Lot 5, DP 1072077.

Glenbrook Court.

Subdivision of Lots 2 and 3, DP 611163, south off Brooms Head Road, Gulmarrad.

Goanna Close.

North off Clyde Essex Drive, Gulmarrad, in the subdivision of Lot 21, DP 751372.

Highfield Court.

Subdivision of Lot 4, DP 621152, off Silky Oak Close, Lawrence.

Hilltop Close.

Subdivision of Lot 6, DP 802980, off Hoof Street, Grafton.

Howletts Close.

South off Kerry Street, Maclean, to Lot 27, DP 1076460.

Kathleen Street.

Subdivision of Lot 32, DP 1048354, west off Paddymelon Road, Woombah.

Leaping Lizard Lane.

Subdivision of Lot 64, DP 1078233, east off Bush Street, South Grafton.

Lemon Myrtle Close.

Subdivision of Lot 96, DP 752843, north off Bridge Street, Glenreagh.

Lilli Court.

North off Clyde Essex Drive, Gulmarrad, in the subdivision of Lot 21, DP 751372.

McKenzie Drive.

West off Kathleen Street, Maclean, to Lot 16, DP 1076460.

Myra Place.

Subdivision of Lot 3, DP 621152, off Pringles Way, Lawrence.

Pandana Close.

JUNEE SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2 – Roads, Division 2 – Naming of Roads

NOTICE is hereby given that, subsequent to advertising and no written objections being received, Junee Shire Council has renamed the road from Junee (commencing at its intersection with the unformed part of Crown Street) to the Wagga Wagga City Council boundary at Harefield, 'Byrnes Road'. GREG CAMPBELL, General Manager, Junee Shire Council, PO Box 93, Junee NSW 2663. [4283]

MARRICKVILLE COUNCIL

Roads (General) Regulation 2008

Renaming of Kent Lane, Newtown (coming off Camden Street then running parallel to Kent Street) to Samuel Kent Lane, Newtown

MARRICKVILLE COUNCIL is the Roads Authority for the lane coming off Camden Street then running parallel to Kent Street, Newtown - known as Kent Lane, Newtown. In accordance with section 162 of the Roads Act 1993 and Div 2 of the Roads (General) Regulation 2008, Council has renamed this lane as Samuel Kent Lane, Newtown. KIM ANSON, General Manager, Administration Centre, 2-14 Fisher Street, Petersham NSW 2049. [4284]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993 – Section 10

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, the land owned by Port Macquarie-Hastings Council as described in the Schedule below, is hereby dedicated to the public as road. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 5, Deposited Plan 225550, Parish of Macquarie, County of Macquarie, situated at 2 Stevens Street, Port Macquarie. [4285]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Public Road

NOTICE is hereby given that, pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated as public road. R. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra NSW 2541.

SCHEDULE

Lot 1 and Lot 3 in Deposited Plan 1120668, Parish Conjola, County of St Vincent.

Lot 1 in Deposited Plan 1126343, Parish Conjola, County of St Vincent. [4286]

TUMBARUMBA SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TUMBARUMBA SHIRE COUNCIL declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a fire station. Dated at Tumbarumba, this 24th day of October 2008. BRIAN JAMES PEARSON, General Manager, Tumbarumba Shire council, PO Box 61, Tumbarumba NSW 2653.

SCHEDULE

Lot 100, DP 1097291. [4287]

TUMUT SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of a Public Road

NOTICE is hereby given that the Tumut Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the following roads:

<i>Location</i>	<i>Name</i>
Newly formed subdivision off Currawong Road known as "The Glen" (internal access roads).	Jeffery Circuit, Ridge Street and King Street.

CHRISTOPHER ADAMS, General Manager, Tumut Shire Council, 76 Capper Street, Tumut NSW 2720. [4288]

TWEED SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Acquisition) Act 1991

Notice of Compulsory Acquisition of Land

TWEED SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals within the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the construction of a footbridge and for access and maintenance of major sewerage and water pipelines in the creek bed below. Dated at Murwillumbah, this 6th day of November 2008. M. RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lot 1, DP 1102130.
Lot 2, DP 1102130. [4289]

TWEED SHIRE COUNCIL

Roads Act 1993

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the road reserve that runs off the western service road at Tweed Heads West, as:

Wollemi Place.

Authorised by resolution of the Council on 30 October 2008, GENERAL MANAGER, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484.

[4290]

WYONG SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

WYONG SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of mines in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of road widening. KERRY YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

SCHEDULE

The land known as Lot 432, DP 1124525 being vacant land. [4291]

WAKOOL SHIRE COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder, that the Council of the Shire of Wakool has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder, of which the persons named appear to be the owners, or in which they appear to have an interest and on which the amount of rates stated in each case, as at the 30th June 2008.

<i>Owner or Persons having Interest in the Land</i>	<i>Description of Land</i>	<i>Amount of Rates (including extra charges) overdue for more than ve years</i>	<i>Amount of other Rates (including extra charges) due and in arrears</i>	<i>Total</i>
<i>(a)</i>	<i>(b)</i>	<i>(c)</i>	<i>(d)</i>	<i>(e)</i>
		\$	\$	\$
URQUHART, Francis.	Wakool Town, Parish Corry, 11 Koala Street, Lot 2, section 14, DP 759033, Vacant Land.	1760.51	4130.02	5890.53
URQUHART, Francis.	Wakool Town, Parish Corry, 29 Koala Street, Lot 5, section 15, DP 759033, Vacant Land.	1760.51	4139.74	5900.25
MOOLOOLAH INVESTMENTS P/L.	Moulamein Non-Urban, Parish Moulamein/Berambong, Lots 6 and 7, DP 799379; Lots 11, 12 and 13, DP 758713, section 48; Lots 6 and 7, DP 114087, Vacant Land.	1180.02	2260.72	3440.74
STREET, Estate Brian Ashley and STREET, Dawn Margaret.	Moulamein Non-Urban, Parish Berambong, Lot 5, DP 114087, Vacant Land.	1044.23	2203.68	3247.91
GRIFFITHS, Estate Marilyn Jean.	Burraboi Town, Parish of Chowar, Lot 9, section 2, DP 758195, Vacant Land.	5887.00	1945.44	7832.44
MARSHALL, Julie Elizabeth.	Burraboi Town, Parish of Chowar, Lot 10, section 4, DP 758195, Detached Dwelling.	3317.82	2015.72	5333.54
BEATTIE, Max Herbert and BEATTIE, Linda Marlene.	Moulamein Town, 77 Tallow Street, Lot 8, section 34, DP 758713, Residential Dwelling.	3723.51	10826.92	14550.43
MOOLOOLAH INVESTMENTS P/L.	Burraboi Town, Parish of Chowar, Lot 17, section 3, DP 758195; Lot 18, section 4, DP 758195, Vacant Land.	936.56	1648.71	2585.27
HICKEY, Graham Thomas and HICKEY, Sharon Anne.	Parish of Yellymong, Lot 15, DP 835451, Rural Business-Building.	6068.91	6622.67	12691.58

In default of payment to the Council of the amount stated in column (e) above and any other rates (including extra charges) becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates entered into by the ratable person before the time fixed for the sale, the said land will be offered for sale by public auction by Kennedy & Mortlock Rodwells, Barham, at the Barham Services Club, Meeting Room, on Friday, 6th March 2009, at 11:00 a.m. C. D. CHAPMAN, General Manager, Wakool Shire Council. [4292]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JUNE MARGARET KEEGAN, late of Faulconbridge, in the State of New South Wales, who died on 21 August 2008, must send particulars of her claim to the executor, c.o. Mercuri & Co, Solicitors, PO Box 719, Drummoyne NSW 1470, 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 they have notice. Probate was granted in New South Wales on 29 October 2008. MERCURI & CO., Solicitors, PO Box 719, Drummoyne NSW 1470, tel.: (02) 9818 8375. Reference: FM:LC.

[4293]

OTHER NOTICES**NOTICE OF SALE**

UNLESS the Writ for Levy of Property issued from the Campbelltown Local Court, Case No. 725/06, is previously satisfied, the Sheriff's Office at Parramatta intends to sell by Public Auction the following Real Property of Lisa Gai Carusi, known as house and land in deposited plan at 84 Harris Street, Merrylands NSW 2160.

The sale will be held on site at 2:00 p.m., on Saturday, 29th November 2008. Please address all enquiries of the sale to Century 21 MetroWest Real Estate, tel.: (02) 9630 8666. SHANE FLEXMAN, C/Inspector, Sheriff's Office, Parramatta.

[4294]

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