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LEGISLATION

Regulations

Rural Assistance (General) Regulation 2001

under the

Rural Assistance Act 1989

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

RICHARD AMERY, M.P.,
Minister for Agriculture

Explanatory note

The object of this Regulation is to replace, without substantial alteration, the provisions of the *Rural Assistance (General) Regulation 1995*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- (a) prescribing oyster farming as a farming operation for the purposes of the Act (clause 5),
- (b) prescribing the particulars to accompany an application for assistance under the Act (clause 6),
- (c) prescribing other formal matters (clauses 1–4 and 7).

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Rural Assistance Act 1989* and, in particular, under section 57 (the general regulation-making power) and various other sections referred to in the Regulation.

Rural Assistance (General) Regulation 2001

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Notes	3
Part 2 General	
5 Oyster farming to be a farming operation	4
6 Particulars to be included in applications for assistance	4
7 Saving	4

Page 2

Rural Assistance (General) Regulation 2001

Clause 1

Preliminary

Part 1

Rural Assistance (General) Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Rural Assistance (General) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Rural Assistance (General) Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

the Act means the *Rural Assistance Act 1989*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Clause 5 Rural Assistance (General) Regulation 2001

Part 2 General

Part 2 General

5 Oyster farming to be a farming operation

Oyster farming is a prescribed operation for the purposes of the definition of *farming operation* in section 3 (1) of the Act.

6 Particulars to be included in applications for assistance

For the purposes of section 15 (2) (c) of the Act, the particulars to be included in an application for assistance are full particulars of the income, expenditure, assets and liabilities of the applicant.

7 Saving

Any act, matter or thing that had effect under the *Rural Assistance (General) Regulation 1995* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.

Rules

COMPENSATION COURT RULE (MISCELLANEOUS AMENDMENTS) 2001

under the

Compensation Court Act 1984

The Compensation Court Rule Committee made the following rule of court under the *Compensation Court Act 1984* on 3 May 2001.

S. DAVIDSON

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend the *Compensation Court Rules 1990* to effect various miscellaneous amendments and for minor law revision purposes.

COMPENSATION COURT RULE (MISCELLANEOUS AMENDMENTS) 2001**1. Name of Rule**

This Rule is the *Compensation Court Rule (Miscellaneous Amendments) 2001*.

2. Commencement

This Rule commences on 11 May 2001.

3. Amendment of Compensation Court Rules 1990

The *Compensation Court Rules 1990* are amended as set out in Schedule 1.

4. Notes

The explanatory note does not form part of this Rule.

Schedule 1**Amendments****(Clause 3)****[1] Part 5, rule 4C(3)(a)**

Omit “certificate of conciliation outcome”. Insert instead “conciliation certificate” .

[2] Part 5, rule 8

Omit “(6)”. Insert instead “(6A)”.

[3] Part 5, rule 11B

(a) Omit subparagraph (b);

(b) Omit “and” from subparagraph (g);

(c) Omit “.” from subparagraph (h), insert instead “, and”;

(d) After subparagraph (h), insert:

“(i) for any order, direction or authorisation in respect of the payment of compensation pursuant to sections 83, 85, and 85A of the 1987 Act.”

[4] Part 9, rule 6(2)

After “service”, insert “of the schedule or 28 days after expiry of the time prescribed for filing an answer pursuant to Part 11 rule 3(1), whichever is the later”.

[5] Part 23, rule 8(2)

Omit the subrule, insert instead:

- “(2) This rule applies in respect of any proceedings subject to the Evidence Act, the Workers Compensation Acts and any regulations made thereunder and to any orders of the Court or agreement between the parties not inconsistent with such Acts or regulations.”

GREYHOUND RACING AUTHORITY ACT 1985**RULES OF THE GREYHOUND RACING AUTHORITY 1999**

By decision of the Regulatory Committee of the Greyhound Racing Authority (NSW), the Rules of the Greyhound Racing Authority 1999 are amended on and from 1st June, 2001 as follows:

1. Amend Rule 23 to read:**Greyhounds subject of Inquiry**

23. (1) If a greyhound is the subject of an inquiry arising out of which a penalty might be imposed under these Rules or the rules of a club and the owner or trainer of the greyhound has been notified by the Authority or an Authority steward of that inquiry and the prohibition imposed by this rule, the greyhound is prohibited from competing in any race or qualifying trial pending the determination of that inquiry and no such greyhound shall be sold or transferred to the care, custody or training of any other person or otherwise disposed of.
- (2) The Authority may, on application by the owner or trainer of a greyhound, remove any prohibition under sub-rule (1) if:
- (a) the inquiry referred to in that sub-rule is not determined within 21 days of notification to that owner or trainer that the greyhound is the subject of the inquiry; or
- (b) the Authority is satisfied that by reason of the special circumstances of the case the prohibition should be removed.

2. Insert after Rule 23 a new rule, Rule 23A, to read:

- 23A (1) The Authority or an Authority steward may declare a person the subject of an inquiry before the Authority or Authority steward pending the determination of that inquiry or for a specific period during the currency of that inquiry.
- (2) The Authority may on the application of a person declared the subject of an inquiry under Sub-rule (1) remove or vary the effect of that declaration if:
- (a) the inquiry referred to in that sub-rule is not determined within 21 days of suspension of the person: or
- (b) the Authority is satisfied that by reason of the special circumstances of the case the declaration should be removed or varied.

3. Amend Rule 25 to read:**Effect of disqualification, suspension or being made subject of inquiry**

25. (1) Unless the Authority in special circumstances otherwise directs, a person who has been disqualified is not:
- (a) entitled to retain any registration certificates held by that person; and
- (b) permitted to transact any business affecting the registration of persons or greyhounds with the Authority or permitted to sell or transfer the care, custody or training of, or otherwise dispose of any greyhound; and
- (c) to enter any enclosure or other portion of a racecourse or any lands occupied or used in connection with a racecourse during any race or qualifying trial meeting, whether acting as agent or otherwise; and
- (d) to have any of the rights or privileges conferred by any registration under these Rules; and

- (e) eligible to otherwise participate in or associate with greyhound racing (including the breeding of greyhounds), and any greyhound which has been nominated by the person or in the person's name, or of which the person is wholly or partly the owner or which is proved to the satisfaction of the Authority to be under the person's care, custody or training, is prohibited from competing in any race or qualifying trial conducted by a club.
- (2) Unless the Authority in special circumstances otherwise directs, when a greyhound has been disqualified the greyhound is prohibited from competing in any race or qualifying trial conducted by a club or from being used for breeding greyhounds.
- (3) Unless the Authority in special circumstances otherwise directs, when a person has been suspended or declared by the Authority or an Authority Steward to be a person who is the subject of an inquiry, any greyhound which has been nominated by the person or in the person's name, or of which the person is wholly or partly the owner or which is under the person's care, custody or training, is prohibited from competing in any race or qualifying trial conducted by a club, and no such greyhound shall be sold or transferred to the care, custody or training of any other person or otherwise disposed of.
- (4) The Authority or an Authority Steward may set aside the sale of, transfer of the care, custody or training of or other disposal of any greyhound from a disqualified person occurring at the time of or after any breach of these Rules or the rules of a club giving rise to the disqualification and if there is more than one such breach, the first breach.
- (5) Unless the Authority otherwise directs no registered person or person associated with greyhound racing shall associate with a disqualified person for the purposes of greyhound racing.

4. Amend Rule 26 (1) to read:

Penalty on Trainer

26. (1) If a trainer is disqualified, suspended or declared by the Authority or an Authority Steward to be a person the subject of an inquiry, any greyhound being trained by the trainer on behalf of some other person and in which the trainer has no interest other than as a trainer is prohibited from competing in any race or qualifying trial so long as it remains in the possession and or control of the trainer and unless the Authority in special circumstances otherwise directs, so long as it remains on property on which the trainer usually resides.

GREYHOUND RACING AUTHORITY ACT 1985**CLUB RULES FOR GREYHOUND RACING**

By decision of the Regulatory Committee of the Greyhound Racing Authority (NSW), the Club Rules for Greyhound Racing are amended on and from 1st June, 2001 as follows:

1. Amend Rule 20 to read:**Greyhounds subject of inquiry**

20. (1) If a greyhound is the subject of inquiry arising out of which a penalty might be imposed under these Rules and the owner or trainer of the greyhound has been notified by the secretary or other authorised official of the club or the stewards of that inquiry and the prohibition imposed by this rule, the greyhound is prohibited from competing in any race or qualifying trial and no such greyhound shall be sold or transferred to the care, custody or training of any other person or otherwise disposed of pending the determination of that inquiry.
- (2) The Authority may, on application by the owner or trainer of such a greyhound, remove any prohibition under sub-rule (1) if:
- (a) the inquiry referred to in that sub-rule is not determined within 21 days of notification to that owner or trainer that the greyhound is the subject of the inquiry; or
 - (b) the Authority is satisfied that by reason of the special circumstances of the case the prohibition should be removed.

2. Amend Rule 21 to read:**List of disqualifications and suspensions etc.**

21. (1) A list of -
- (a) persons disqualified, suspended, declared the subject of an inquiry or a defaulter; and
 - (b) greyhounds disqualified or otherwise prohibited from competing in a race or qualifying trial,
- shall be kept at the office of the club.
- (2) The omission of the name of a person or a greyhound from the list kept under sub-rule (1) shall not affect the disabilities of the person or greyhound under these Rules.

3. Insert after Rule 21 a new rule, Rule 21A, to read:**Persons subject of Inquiry**

- 21A (1) The Stewards may declare a person the subject of an inquiry before the stewards pending the determination of that inquiry or for a specific period during the currency of that inquiry.
- (2) The Authority may on the application of a person declared the subject of an inquiry under sub-rule (1) remove or vary the effect of that declaration if:
- (a) the inquiry referred to in that sub-rule is not determined within 21 days of suspension of the person; or
 - (b) the Authority is satisfied that by reason of the special circumstances of the case the declaration should be removed or varied.

4. Amend Rule 22 to read:**Effect of disqualification, suspension being made subject of inquiry etc**

22. (1) Unless the Authority in special circumstances otherwise directs, a person who has been disqualified or is a defaulter is not:
- (a) to enter any enclosure or other portion of a racecourse or lands occupied or used by a club in connection therewith during any race or qualifying trial meeting whether acting as agent or otherwise ;
 - (b) eligible to otherwise participate in or associate with greyhound racing and any greyhound which has been nominated by him or in the person's name or of which the person is wholly or partly the owner or which is under the person's care, custody or training is prohibited from competing in any race or qualifying trial conducted by the club.
- (2) Unless the Authority in special circumstances otherwise directs, when a greyhound has been disqualified the greyhound is prohibited from competing in any race or qualifying trial conducted by the club.
- (3) Unless the Authority in special circumstances otherwise directs, where a person is a defaulter or has been suspended or declared to be a person who is the subject of an inquiry, any greyhound which has been nominated by him or is in his name or of which he is wholly or partly the owner or which is under his care, custody or training is prohibited from competing in any race or qualifying trial conducted by the club.

5. Amend Rule 23 to read:**Notification from and to Authority**

23. (1) Where the Authority provides to the club a list of -
- (a) persons disqualified, suspended, declared to be subject of inquiry or a defaulter; or
 - (b) greyhounds disqualified or otherwise prohibited from entering in any race or qualifying trial,
- the club shall treat the disqualifications, suspensions, declarations or prohibitions as if they were disqualifications, suspensions, declarations or prohibitions imposed by the Committee or stewards of the club and shall take all necessary action to enforce the same.
- (2) Where the club or the stewards of an inquiry notify the Authority that a person has been suspended or declared to be a person who is the subject of an inquiry, such person shall be deemed to be a person suspended or made subject of inquiry within the meaning of Authority Rule 25 and subject to the provisions and disabilities imposed by that Authority Rule.

6. Amend Rule 24 to read:**Penalty on trainer**

24. (1) Where a trainer is disqualified, suspended, a defaulter, or declared by the stewards to be a person who is the subject of an inquiry, any greyhound being trained by the trainer on behalf of some other person and in which the trainer has no interest other than as a trainer is prohibited from competing in any race or qualifying trial so long as it remains in the possession and/or control of the trainer and unless the Authority in special circumstances otherwise directs, so long as it remains on property on which the trainer usually resides.
- (2) Except as provided in sub-rule (1), when a penalty is imposed on a trainer any greyhound being trained by the trainer on behalf of some other person and in which the trainer has no interest other than as a trainer is not, by reason only of the imposition of that penalty, prohibited from competing in any race or qualifying trial.

Supreme Court Rules (Amendment No 347) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 23 April 2001.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970*:

- (a) to require an affidavit filed under Part 51, rule 8 to be included in the Red Book referred to in Part 51, rule 33 (Schedule 1 [1]), and
- (b) to specify the facsimile number and e-mail address for facsimile and e-mail applications to the Supreme Court under the *Service and Execution of Process Act 1992* of the Commonwealth (Schedule 1 [2]), and
- (c) to enable a Judge of the Court (as well as a master) to refer to a registrar any trial, hearing of proceedings or matter that a master may conduct or deal with (Schedule 1 [3]).

Rule 1 Supreme Court Rules (Amendment No 347) 2001

Supreme Court Rules (Amendment No 347) 2001

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 347) 2001*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Rule.

Supreme Court Rules (Amendment No 347) 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 51

Insert after rule 33 (f):

- (f1) any affidavit filed pursuant to rule 8 of this Part,

[2] Part 71A

Omit rule 8. Insert instead:

8 Facsimile number and e-mail address

An application made to the Court under a provision of the Service and Execution of Process Act:

- (a) if made by facsimile transmission—must be transmitted to transmission number (02) 9230 8628, or
- (b) if made by electronic mail—must be transmitted to the following address:

supremecourt@agd.nsw.gov.au

[3] Schedule E, Part 2

Insert “Judge or” after “by order of a” in paragraph 11 (d).

OFFICIAL NOTICES

Appointments

LOCAL GOVERNMENT ACT 1993

Appointment as the Member of the Local Government
Pecuniary Interest Tribunal

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 488 of the Local Government Act 1993, has appointed David Peter Forbes OFFICER, QC, as the Member of the Local Government Pecuniary Interest Tribunal on 11 April 2001 for a period of five years.

HARRY WOODS,
Minister for Local Government

McGARVIE SMITH INSTITUTE INCORPORATION ACT 1928

Appointment of Trustee
McGarvie Smith Institute

HER Excellency the Governor, with the advice of the Executive Council, and pursuant to the provisions of the McGarvie Smith Institute Incorporation Act 1928, has been pleased to appoint Renata Mary BROOKS, as a Trustee of the McGarvie Smith Institute, vice Roy Watts, resigned.

Dated this 2nd day of May 2001.

RICHARD AMERY, M.P.,
Minister for Agriculture
and Minister for Land and Water Conservation

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting Director-General,
NSW Agriculture and Acting Chief Executive,
Rural Assistance Authority Board

HER Excellency the Governor with the advice of the Executive Council and in pursuance of the provisions of the Public Sector Management Act 1988, has been pleased to appoint:

- (i) Dr Richard Frederick SHELDRAKE as Acting Director-General of NSW Agriculture; and
- (ii) Stephen John GRIFFITH as Acting Chief Executive of the Rural Assistance Authority Board,

during the absence of Dr Kevin Patrick Sheridan from 13 May 2001 to 21 June 2001 inclusive.

Dated this 8th day of May 2001.

RICHARD AMERY, M.P.,
Minister for Agriculture
and Minister for Land and Water Conservation

THE ZOOLOGICAL PARKS BOARD ACT 1973 (Part 2, Section 6) as amended by the Zoological Parks Board Amendment Act 2000

Reappointment of Member and Chairman of the
Zoological Parks Board of NSW

I, Bob Debus, Minister for the Environment, in pursuance of Part 2, section 6 of the Zoological Parks Board Act 1973, as amended by the Zoological Parks Board Amendment Act 2000, do hereby reappoint Mr Leonard F. BLEASEL, AM, as a Member and Chairman of the Zoological Parks Board of New South Wales from 1 July 2001 to 30 June 2006.

BOB DEBUS,
Minister for the Environment

THE ZOOLOGICAL PARKS BOARD ACT 1973 (Part 2, Section 6 (c)) as amended by the Zoological Parks Board Amendment Act 2000

Appointment of Member of the
Zoological Parks Board of NSW

I, Bob Debus, Minister for the Environment, in pursuance of Part 2, section 6 (c) of the Zoological Parks Board Act 1973, as amended by the Zoological Parks Board Amendment Act 2000, do hereby and appoint Ms Judith BLANCHE as a Member of the Zoological Parks Board of New South Wales from 1 May 2001 to 30 June 2003.

BOB DEBUS,
Minister for the Environment

NSW Agriculture

STOCK (CHEMICAL RESIDUES) ACT 1975

ORDER UNDER SECTION 4

DECLARATION OF CHEMICALLY AFFECTED STOCK

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 4 of the *Stock (Chemical Residues) Act 1975* and being of the opinion that stock to which this Order relates are, or are likely to become, degraded on account of treatment with stock medicines mentioned in this Order:

- (a) REVOKE the Order published in *Government Gazette* No 43 on 7 May 1993 and any Order revived as a result of that revocation; and
- (b) DECLARE stock, which have been treated with any of the stock medicines known as Hormonal Growth Promotants (HGPs) including but not limited to the stock medicines specified in the Schedule to this Order, to be chemically affected for the purposes of all sections of the *Stock (Chemical Residues) Act 1975* other than sections 7, 7A, 8, 9, 9A, 10, 11 and 12.

Definitions

In this Order:

“*stock*” means cattle including bulls, oxen, steers, cows, heifers and calves.

“*stock medicine*” has the same meaning as stock medicine in the *Stock Medicines Act 1989*.

“*treated*” means administered to stock, by implant or otherwise.

Note

The opinion “that stock to which this Order relates are, or are likely to become, degraded on account of treatment with stock medicines mentioned in this Order” has been formed by reference to subsection (c) only of section 4(5) of the *Stock (Chemical Residues) Act 1975* which provides that “stock are degraded if they are detrimental to export or other trade”.

SCHEDULE

COOPERS RALGRO CATTLE GROWTH PROMOTER
 ELANCO AH0323 OESTRADIOL COMPUDOSE 200
 ELANCO AH0343 OESTRADIOL COMPUDOSE 400
 ELANCO AH0336 COMPONENT-S GROWTH AND FINISHING IMPLANTS FOR STEERS
 ELANCO AH0337 COMPONENT-H GROWTH AND FINISHING IMPLANTS FOR HEIFERS
 ELANCO AH0351 OESTRADIOL COMPUDOSE 100
 ELANCO AH0361 COMPONENT TE-S GROWTH AND FINISHING IMPLANTS FOR STEERS
 ELANCO AH0362 COMPONENT T-S GROWTH AND FINISHING IMPLANTS FOR STEERS
 PROGRO H GROWTH AND FINISHING IMPLANTS FOR HEIFERS

PROGRO S GROWTH AND FINISHING IMPLANTS FOR STEERS

PROGRO T-S GROWTH AND FINISHING IMPLANTS FOR STEERS

PROGRO TE-S GROWTH AND FINISHING IMPLANTS FOR STEERS

REVALOR-G GROWTH PROMOTANT FOR GRASS FED HEIFERS AND STEERS

REVALOR-H HEIFER GROWTH PROMOTANT AND FINISHING IMPLANTS

REVALOR-S STEER GROWTH PROMOTANT AND FINISHING IMPLANTS

SYNOVEX C CALF GROWTH PROMOTANT

SYNOVEX H HEIFER GROWTH AND FINISHING IMPLANTS

SYNOVEX S STEER GROWTH AND FINISHING IMPLANTS

SYNOVEX WITH TRENBOLONE ACETATE GROWTH AND FINISHING IMPLANTS FOR STEERS AND HEIFERS

Signed at Sydney this 2nd day of May 2001.

RICHARD AMERY M.P.,
 Minister For Agriculture
 and Minister For Land And Water Conservation

STOCK DISEASES ACT 1923

Notification No. 1634 - OJD

“Combogolong” Quarantine Area – Milkers Flats

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 10 of the *Stock Diseases Act 1923* (‘the Act’), declare the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of Johne’s disease.

The nature of the quarantine is that it is in respect of Johne’s disease in sheep, goats, and deer (other than fallow deer) on or at any time on the land described in the Schedule (‘the stock’).

The quarantine does not restrict the movement of any stock onto that land, where stock may be brought onto the land without contravention of any provision of the Act or Regulations made under the Act.

Note: It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of the stock to be moved out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or when all of the conditions set out in section 20C(3) are satisfied.

The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the quarantine area shall be as ordered by an inspector.

SCHEDULE

- Owner:** Graham Richard Pinnock Williams and Jill
Elizabeth Williams
- County** Bathurst
- Parish** Fremantle
- Land** Lots 1, 2, 3 and 4 in DP 132107
Lot 1 in DP 222544
Lots 32, 33, 34, 35, 60, 61, 65, 66, 68, 69 and 75 in
DP 750381
Enclosure Permit 17927 attached to Lot 66 in
DP 750381
- County** Roxburgh
- Parish** Piper
- Land** Part Lot 202 in DP 868532
- Parish** Watton
- Land** Part Lot 202 in DP 868532
Lot 201 in DP 868532

Dated this 1st day of May 2001.

RICHARD AMERY M.P.,
Minister For Agriculture
and Minister For Land And Water Conservation

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995

Section 177(c) – Notice of Aquaculture Lease Cancellation

THE Minister has cancelled the following aquaculture lease:

OL79/151 within the estuary of the Hunter River having an area of 1.873 hectares formerly leased by Mr Brett Lee & Mrs Julie Lee.

OL71/016 within the estuary of Port Stephens having an area of 8.3440 hectares formerly leased by Mr Jason Morris.

OL96/043 within the estuary of Port Stephens having an area of 0.2800 hectares formerly leased by Mr Jason Morris.

OL96/046 within the estuary of Port Stephens having an area of 3.5600 hectares formerly leased by Mr Jason Morris.

B & K Armstrong Oysters for three areas of 7.112 ha, 1.6 ha & .9279 ha situated at Camden Haven Inlet, Parish of Camden Haven, County of Macquarie, Shire of Hastings.

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995

ERRATUM

THE date of expiry of renewed oyster lease OL84/157 printed in the *Government Gazette* No. 73 on 30 April 1997 was incorrect. The correct expiry date for oyster lease OL84/157 should have read 17 February 2013.

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995

Clause 33(3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 aquaculture leases:

OL83/207 within the estuary of Wallis Lake having an area of 0.7070 hectares to M S Verdich & Sons Pty Ltd of Forster, NSW, for a term of 15 years expiring on 9 February 2016.

AL00/004 within the estuary of Port Stephens at Karuah having an area of 0.9631 hectares to Mr William F Evans of Karuah, NSW, for a term of 15 years expiring on 7 February 2016.

OL83/285 within the estuary of Wallis Lake having an area of 2.0119 hectares to Mr Christopher Stein, Mrs Laraine Stein and Mr Ian Blows of Forster, NSW, for a term of 15 years expiring on 16 October 2015.

FISHERIES MANAGEMENT ACT 1994

Under Section 163

Notice of Receipt of Application for Aquaculture Lease

THE following applications for a Class 1 Aquaculture Lease has been made by:

Messrs Dennis Rotumah, Damian Rotumah, Donald Wellington and Ms Janelle Rotumah of Bodalla, for an area of 5.1 hectares, situated in Tuross Lake, Parish of Bodalla, County of Dampier. Oyster production has occurred at this site since 1952.

Messrs Barry W, Brian E and Edward Allen, Harry A Woods and Ms Shirley R Allen, of Greenwell Point, for an area of 1.2 hectares, situated in the Crookhaven River, Parish of Wollumboola, County of St Vincent. Oyster production has occurred at this site since 1946.

B & K Armstrong Oysters for three areas of 7.112 ha, 1.6 ha & .9279 ha situated at Camden Haven Inlet, Parish of Camden Haven, County of Macquarie, Shire of Hastings.

Mr Darrell Roy Johnson and Mrs Kay Elizabeth Johnson of Karuah, for an area of 2.81 ha situated in Port Stephens - Karuah, Parish of Tarean, County of Gloucester.

Mr Peter Lewis of Southern Oysters Pty Ltd of Zetland NSW, for an area of approximately 1.1 ha situated in the Georges River, Parish of Sutherland, County of Cumberland.

Mr John Manson and Mrs Celia Manson of Bobs Farm, for an area of 0.35ha situated in Port Stephens – Tea Gardens, Parish of Fens, County of Gloucester at Port Stephens.

Specific details of the proposed lease can be obtained by contacting NSW Fisheries at Port Stephens.

Submissions supporting or objecting to the proposal may be lodged with NSW Fisheries, Private Bag 1, Nelson Bay, NSW 2315, within 30 days from the date of publication of this notice.

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995

Clause 35(4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following aquaculture leases:

OL84/232 within the estuary of Wallis Lake, having an area of 0.7542 hectares, to Mr Christopher T Stein and Mrs Larine J Stein of Pipers Bay, NSW, for a term of 15 years expiring on 2 October 2016.

OL86/262 within the estuary of the Wallis Lake having an area of 0.1953 hectares to Karen Lee Ehlefeldt and Glen Robert McLean of Tuncurry NSW for a term of 15 years expiring on 29 January 2016.

OL70/391 within the estuary of the Macleay River, having an area of 1.2600 hectares, to Mr Ronald J Gallen and Mrs June R Gallen of Budgewoi, NSW for a term of 15 years expiring on 12 January 2016.

OL70/095 within the estuary of Port Stephens at Nelson Bay having an area of 2.3400 hectares, to Mr Trevor L Hobert and Mrs Dorothy J Holbert of Salamander Bay, NSW, for a term of 15 years expiring on 15 November 2015.

OL70/605 within the estuary of Port Stephens at Nelson Bay having an area of 2.8610 hectares, to Mr Trevor L Hobert and Mrs Dorothy J Holbert of Salamander Bay, NSW, for a term of 15 years expiring on 11 January 2016.

OL69/486 and OL84/126 within the estuary of the Clyde River having an area of 0.6930 hectares and 0.2405 hectares to Mr Rick Christensen and Mrs Catherine Christensen of Batemans Bay, NSW, for a term of 15 years expiring on 1 September 2015 and 18 September 2015, respectively.

OL86/034 within the estuary of the Crookhaven River having an area of 1.3454 hectares to Reginald Rundle of Greenwell Point NSW for a term of 15 years expiring on 14 February 2016.

OL70/328 within the estuary of Port Stephens – Nelson Bay having an area of 1.6720 hectares to Geoff Stanley Diemar of Nelson Bay NSW for a term of 15 years expiring on 31 December 2015.

The Hon EDWARD OBIED, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

FISHERIES MANAGEMENT ACT 1994

Notification Under Section 8 – Fishing Closures

Kogarah Bay and its Tributaries
(Recreational Harvest)

I, Edward Obeid, prohibit the recreational taking of bivalve molluscs: pipis, cockles and whelks by the methods of fishing specified in Column 1 of the Schedule below. This prohibition will be effective for a period of two (2) years from the date of publication of this notification.

THE HON EDWARD OBEID OAM, MLC,
Minister for Mineral Resources
and Minister for Fisheries

Schedule

Kogarah Bay, Georges River North

<i>Column 1</i> Methods	<i>Column 2</i> Waters
All methods.	The whole of the waters Kogarah Bay, Georges River north of a line extending from Tom Uglys Point east to the St George Motor Boat Club.
Closed waters: The area covered by this notification includes the foreshore extending from the mean high water mark, to ten (10) metres horizontally seaward from the mean low water mark.	

Note: This closure does not apply to commercial fishers who hold a hand gathering endorsement in the estuary general restricted fishery.

Department of Land and Water Conservation

Land Conservation

GOULBURN OFFICE

Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

NOTIFIED UNDER THE ROADS ACT 1993

Resumption of Land for Road and Closing of a Road

IN PURSUANCE of the provisions of the Roads Act 1993 the land hereunder described in Schedule 1, is resumed for Public road purposes and is vested in the Crown as a Public Crown road. The land hereunder described in Schedule 2, 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.

RICHARD AMERY, M.P.,
Minister of Agriculture
and Minister for Land and Water Conservation

—————
Parish – Yass; County – Murray
Land District – Yass; Shire – Yass

Schedule 1

DP 1027228 – Opening of a road within Lots (portions) 94, 81 and 102, DP 754911.

File No. GB 97 H 373

Land Acquired for Road: Lots 1, 2 and 3.

Titles affected and area resumed:

C.F. 81/754911 (8954 square metres); C.F. 102/754911 (4637 square metres) and C.F. 94/754911 (5963 square metres).

Schedule 2

Lots 4 and 5, DP 1027228.

File No. GB 98H514.JK

Note: (1) On closing, the land in Lots 4 and 5, DP 1027228 vested in the Crown as Crown land.

(2) The land described in Schedule 2 will be used in compensation for the land acquired as described in Schedule 1, for the purposes of this Act.

GRAFTON OFFICE
Department of Land and Water Conservation
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

ESTABLISHMENT OF RESERVE TRUST

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Yamba Pilot Station (R8920) Reserve Trust	Reserve No. 8920 Public Purpose: Pilot Station Notified: 4 May 1889 File Reference: GF92 H 422

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE 1

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Lachland Francis McLeod	Yamba Pilot Station (R8920) Reserve Trust	Reserve No. 8920 Public Purpose: Pilot Station Notified: 4 May 1889 File Reference: GF92 H 422

For a term commencing this day and expiring 11 July 2001.

DISSOLUTION OF RESERVE TRUST

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
North Coast Regional Botanic Garden Trust	Dedication No. 540000 Public Purpose: Environmental Protection Notified: 22 May 1992 File Reference: GF80 R 302

APPOINTMENT OF TRUSTEE

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Coffs Coast State Park Trust Established 1st January 2000	Reserve No. 540000 Public Purpose: Environmental Protection Notified: 22 May 1992 Parish: Coff County: Fitzroy Lot Sec. DP No. 272 * 752817 294 * 752817 394 * 752817 7042 * 752817 # 7043 * 752817 # File Reference: GF80 R 302

Note: The above Lot numbers marked # are for Departmental use only.

MAITLAND OFFICE
Department of Land and Water Conservation
Newcastle Road (PO Box 6), East Maitland, NSW 2323
Phone: (02) 4934 2280 Fax: (02) 4934 2252

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE 1

COLUMN 1

Land District: Gosford
 Local Government Area:
 Gosford
 Parish: Kooree
 County: Northumberland
 Lot 7003, Sec. *,
 DP No. 1027782
 Area: 6.58 Ha
 File Reference: MD91 R 12

COLUMN 2

Reserve No. 90536
 Public Purpose: Water Supply
 Notified: 1 November 1974
 Lot 7001, Sec. *, DP No. 093091,
 Parish Rugby, County
 Northumberland
 Lot 109, Sec. *, DP No. 755235,
 Parish Kooree, County
 Northumberland
 Lot 7001, Sec. *, DP No. 755235,
 Parish #Kooree, County
 Northumberland
 Lot 7002, Sec. *, DP No. 822120,
 Parish #Kooree, County
 Northumberland
 Lot 13, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 18, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 21, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 31, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 32, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 33, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 34, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland

Lot 35, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 39, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 41, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 42, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 47, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 5, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 52, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 53, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 54, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 Lot 7002, Sec. *, DP No. 755256,
 Parish #Rugby, County
 Northumberland
 Lot 7003, Sec. *, DP No. 755256,
 Parish #Rugby, County
 Northumberland
 Lot 7004, Sec. *, DP No. 755256,
 Parish #Rugby, County
 Northumberland
 Lot 7005, Sec. *, DP No. 755256,
 Parish #Rugby, County
 Northumberland
 Lot 9, Sec. *, DP No. 755256,
 Parish Rugby, County
 Northumberland
 New Area: 7782.58 hectares.

Please note that the above Lot numbers marked # are for Departmental use only.

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

NOTIFICATION OF CLOSING OF ROAD

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

Land District – Kiama; LGA – Wollongong City

Lot 160, DP 1025094 at Dapto, Parish Calderwood and County Camden (being land under the Real Property Act, Certificates of Title, Volume 6861 Folio 56). NA00 H 155.

Note: On closing, the land remains vested in Wollongong City Council as “Operational land” (SU16299).

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 road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 cease to be a Crown road.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

Description

*Land District – Moruya; Council – Eurobodalla Shire
 Town – Batemans Bay; Parish – Bateman
 County – St. Vincent*

Schedule 1

The Crown public road known as Guy Lane within section 5 in the Town of Batemans Bay (DP 758064).

Schedule 2

Roads Authority: Eurobodalla Shire Council – Ref .00.4218.D. Crown Reference: NA97 H 250.

ADDITION TO CROWN LAND DEDICATED FOR A PUBLIC PURPOSE

PURSUANT to section 81 of the Crown Lands Act 1989, the Crown land specified in Column I of the Schedule hereunder is added to the dedicated Crown land specified opposite thereto in Column 2 of the Schedule.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE*COLUMN 1*

Land District: Bega
 Local Government Area:
 Bega Valley Shire Council
 Parish: Narira
 County: Dampier
 Locality: Cobargo
 Lot 21, Sec. *,
 DP No. 1013450
 Lot 330, Sec. *,
 DP No. 729199
 Lot 331, Sec. *,
 DP No. 729199
 Area: 1.7956 hectares.
 File Reference: NA81 R 37

COLUMN 2

Dedication No. 580107
 Public Purpose: Showground
 Notified: 20 December 1887
 Lot 1, Sec. *, DP No. 2591, Parish
 Narira, County Dampier
 Lot 2, Sec. *, DP No. 2591, Parish
 Narira, County Dampier
 Lot 3, Sec. *, DP No. 2591, Parish
 Narira, County Dampier
 Lot 4, Sec. *, DP No. 2591, Parish
 Narira, County Dampier
 Lot 5, Sec. *, DP No. 2591, Parish
 Narira, County Dampier
 Lot 332, Sec. *, DP No. 729199,
 Parish Narira, County Dampier
 Lot 333, Sec. *, DP No. 729199,
 Parish Narira, County Dampier
 Lot 334, Sec. *, DP No. 729199,
 Parish Narira, County Dampier
 Lot 237, Sec. *, DP No. 752154,
 Parish Narira, County Dampier
 Lot 7004, Sec. *, DP No. 752154,
 Parish #Narira, County Dampier
 Lot 7005, Sec. *, DP No. 752154,
 Parish #Narira, County Dampier
 Lot 7006, Sec. *, DP No. 752154,
 Parish #Narira, County Dampier
 Lot 7007, Sec. *, DP No. 752154,
 Parish #Narira, County Dampier
 Lot 1, Sec. *, DP No. 829831,
 Parish Narira, County Dampier
 Lot 1, Sec. *, DP No. 1010997,
 Parish Narira, County Dampier
 New Area: 16.6143 hectares.

Note: Please note that the above lot numbers marked # are for Departmental use only.

DECLARATION OF LAND TO BE CROWN LAND

Pursuant to section 138 of the Crown Lands Act 1989, the land described in the Schedule hereunder is declared land that may be dealt with as if it were Crown land within the meaning of that Act.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

*Land District – Bega; LGA – Bega Valley Shire
 Parish – Narira; County – Dampier*

Lots 330 and 331 in DP 729199 and Lot 21 in DP 1013450 of about 1.7 hectares at Cobargo (Folio Identifiers 330/729199, 331/729199 and 21/1013450), being freehold land held in the name of the Minister for Land and Water Conservation. File No. NA81 R 37.

ORANGE OFFICE
Department of Land and Water Conservation
92 Kite Street (PO Box 2146), Orange, NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

**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.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Forbes	The whole being
Local Government Area: Forbes Shire Council	Lot 1510, DP No. 750158, Parish Forbes, County Ashburnham
Parish: Forbes	of an area of .8157 hectares
County: Ashburnham	
Locality: Forbes	
Reserve No. 94801	
Purpose: Future public requirements	
Notified: 15 May 1981	
File Reference: OE99 H 43	

**NOTIFICATION OF PROPOSED CLOSING
OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the road hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

Description

Land District and LGA of Lithgow

Lithgow City Council. Proposed closing of the Crown public road 20.115 metres wide partly east of lot 15 in DP 804929 and north of Lot 42 in DP 751636, Parish of Cox, County of Cook. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File Reference: OE01 H 85.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE 1

Firstly, the part of the Crown public road of variable width commencing at southernmost western corner of Lot 8 in DP 858678 and by the western boundary of that lot northerly to its northernmost western corner, then by a line bearing 306 degrees 42 minutes and 15 seconds northeasterly for a distance of 23.605 metres, then by a line bearing 159 degrees 01 minutes and 20 seconds southeasterly for a distance of 8.045 metres, then by a line bearing 124 degrees 27 minutes and 20 seconds southeasterly for a distance of 19.375 metres, back to the point of commencement, Parish of Kendale, County of Westmoreland.

Secondly, the part of the Crown public road of variable width commencing at the easternmost southern corner of Lot 11 in DP 858678 and then southerly by the eastern boundary of Lot 23 in DP 858678 and the eastern boundary of Lot 1 in DP 858678 to the easternmost southern corner of Lot 1 in DP 858678, then by a line bearing 90 degrees 39 minutes and 10 seconds easterly to the western boundary of Lot 83 in DP 757058, then by that boundary northerly to its intersection with the southwestern side of the public road, then by the northwesterly prolongation of the southwestern side of that road, back to the point of commencement, Parish of Kendale, County of Westmoreland.

SCHEDULE 2

Roads Authority: Oberon Shire Council (Council Reference: R66). File No: OE01 H 107.

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
2-10 Wentworth Street (PO Box 3935), Parramatta, NSW 2124
Phone: (02) 9895 7503 Fax: (02) 9895 6227

ESTABLISHMENT OF RESERVE TRUST

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Lilli Pilli (R66504) Reserve Trust	Area at Lilli Pilli notified for the purpose of public recreation in the <i>Government Gazette</i> of 8 January 1937. File No.: MN95 R 35

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

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

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Sutherland Shire Council	Lilli Pilli (R66504) Reserve Trust	Area at Lilli Pilli notified for the purpose of Public Recreation in the <i>Government Gazette</i> of 8 January 1937. File No.: MN95 R 35

**AMENDED SCHEDULE OF FEES AND CHARGES
 CATHOLIC PORTION OF THE NECROPOLIS**

IN pursuance of section 17 (2) of the Necropolis Act 1901, the following Schedule of Fees and Charges fixed by the trust of the Catholic Portion of the Necropolis vested in it is hereby notified and substituted for the Schedule of Fees and Charges notified in the *Government Gazette* of 17 March 2000. MN84R140

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

SCHEDULE OF FEES AND CHARGES

1. BURIAL RIGHT	\$
(a) Standard Burial Plot	1385
(b) Transfer Ownership of Right	95
(c) Replace Missing Certificate	95

2. INTERMENT	
(a) Normal Weekday	800
(b) Surcharge Saturday Morning	550
(c) Surcharge all other times	550
3. SPECIAL SECTIONS	By quotation
4. ANNUAL LANDSCAPE CARE	
(a) Single grave	80
(b) Double grave	105
5. RESERVATION OF BURIAL RIGHT SURCHARGE	
(a) Standard burial plot	550
(b) Surcharge for foregone interment fee on burial land not used for burial	By quotation
6. PERMITS	
Fees quoted as per grave	
(a) Construction of monument with inscription	264
(b) Inscription only	88
(c) Enclose grave with kerbing	110
(d) Cover grave with slab, tiles or chipped stone	110
(e) Renovation	110
7. PERMITS FOR SPECIAL FEATURES	By quotation
e.g. *Monuments over 1200 mm high	
*Monuments that will require removal or modifications for an interment in the plot	
*Crypts	
*Vaults	
*Tombs	
*Specially selected areas	
8. SEARCH RECORDS	By quotation
9. CHAPEL SERVICE	By quotation
10. EXHUMATION	By quotation
11. OTHER FEES	
(a) Provide plaque, engraving or pedestal	By quotation
(b) Refund burial right fee	By quotation
(c) Clergy fee	By quotation
(d) Clear and/or clean grave	By quotation
(e) Inter stillborn child	By quotation

Note: The above fees and charges are inclusive of GST

ERRATUM

THE notification of Closing of Road appearing in the *Government Gazette* of 27th April 2001 folio 2070 relating to Lot 2, DP 880493 at Wahroonga is withdrawn.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

NOTIFICATION OF CLOSING OF A ROAD

IN pursuant of the provisions of the Crown and Other Roads Act 1990, the road hereunder specified is closed and the land comprised therein is freed and discharged from any rights of the public or of particular persons to use it as a public thoroughfare or public way.

RICHARD AMERY, M.P.,
Minister for Agriculture
and Minister for Land and Water Conservation

Description

Land District – Metropolitan; L.G.A. – Ku-ring-gai

Lot 2, DP 880493 at Wahroonga, Parish Gordon (Sheet 3) County Cumberland (being land in CsT Vol. 1462 Fol. 207 and Vol. 3612 Fol. 109). MN93 H 262

- Notes: (1) On closing, title for the land in lot 2 remains vested in Ku-ring-gai Council as operational land.
- (2) The above notice is published under the provisions of the Crown and Other Roads Act 1990, by virtue of Clause 60, Schedule 2 of the Roads Act 1993.

TAREE OFFICE

Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

**DRAFT ASSESSMENT OF LAND UNDER
PART 3 OF THE CROWN LANDS ACT
1989 AND CROWN LANDS REGULATION 2000**

THE Minister for Land and Water Conservation has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Land and Water Conservation, 102-112 Victoria Street, Taree and at the Offices of Greater Taree City Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 11 May 2001 to 11 June 2001 and should be sent to the Regional Director, Department of Land and Water Conservation, PO Box 440, Taree, 2430. Telephone enquiries should be directed to 02 6552 2788.

RICHARD AMERY, M.P.,
Minister for Agriculture
and Minister for Land and Water Conservation

Description

0.4816 hectares being Lot 193, DP 754440 at Mitchells Island, Parish Oxley, County Macquarie.

Reason: To determine appropriate future land use and management options of the Crown land Lot 193, DP 754440, Manning Point Road, Mitchells Island.

Contact Officer: Mr Bob Birse. (File No. TE98 H 160)

NOTIFICATION OF CLOSING OF A ROAD

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

RICHARD AMERY, M.P.,
Minister for Agriculture
and Minister for Land and Water Conservation

Description

*Parish – Unkya; County – Raleigh;
Local Government Area – Nambucca;*

Road being Lot 515, DP 1017197 (Not under the Real Property Act).

- Note: On closing the land within the former road remains vested in Nambucca Shire Council as operational land. TE00 H 218

Water Conservation

WATER ACT 1912

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

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

MACQUARIE RIVER VALLEY

ANTHONY NOEL ARMSTRONG AND KATERINA ARMSTRONG for a pump on the Cudgegong River, Lot 105, DP 1014092, Parish of Derale, County of Phillip for water supply for stock and domestic purposes and irrigation of 1.66 hectares (pasture) (replacement licence) (80SL95845).

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

AN APPLICATION UNDER PART 8, BEING WITHIN A PROCLAIMED (DECLARED) LOCAL AREAS UNDER SECTION 5 (4) OF THE ACT 1912.

An application for an approval of controlled works under section 167, within the proclaimed (declared) local areas described hereunder, has been received from:

WOMBIANNA PTY LIMITED for a levee on the Macquarie River, Lot 2, DP 47480, Parish of Killendoon, County of Ewenmar for the prevention of inundation of lands by floodwaters (new approval) (in lieu of advertisement of 12.3.01) (80CW809638).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, by 8 June 2001 as prescribed by the Act.

Any inquiries regarding the above should be directed to the undersigned (telephone 6884 2560). GA2:311283

FRED HUNDY,
Water Access Manager, Macquarie

Department of Land and Water Conservation
PO Box 717
DUBBO NSW 2830

WATER ACT 1912

AN APPLICATION under Part 2 within a proclaimed (declared) local area under section 20E (2) of the Water Act 1912, as amended.

An application for an amended authority for works within a proclaimed local area as generally described hereunder has been received as follows:

GWYDIR RIVER VALLEY

A F F PROPERTIES PTY LTD and ANOTHER to transfer 39 megalitres from "Killarney", Gravesend to the "Milo" irrigation property currently authorised under 90SA11633, for a pump on the Gwydir River on Part CR 20997, Parish of Boolooroo, County of Courallie for irrigation of a total of 1,677 hectares. L.O. Papers 90SA11640. GA2345888.

Any inquiries regarding the above should be directed to the undersigned (telephone (02) 6752 9726).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550
TAMWORTH NSW 2340

WATER ACT 1912

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

Applications for licences for works within the proclaimed local areas as generally described hereunder have been received as follows:

NAMOI RIVER VALLEY

1. Rodney Edward HAWORTH and Julie Anne HAWORTH for a pump on the Dungowan Creek on Lots 11-13/755336, Parish of Ogunbil, County of Parry and Lot 1/808493, Parish of Woolomin, County of Parry, a diversion pipe and a pump on the Cooe Creek on Lot 11/755336, Parish of Ogunbil, County of Parry, 6 earthen bywash dams on the Cooe Creek on Lots 11, 43 and 53/755336, Parish of Ogunbil, County of Parry and an earthen bywash dam on an Unnamed Watercourse on Lot 43/755336, Parish of Ogunbil, County of Parry for conservation of water for industrial (aquaculture), stock purposes and irrigation of 27 hectares (lucerne and grain crops). Replacing existing Licences – no increase in entitlement. Ref: 90SL100555.
2. Francis Adrian KLASSEN and Gertruda Theodora KLASSEN for four pumps on the Peel River on Lot 1/755342, Parish of Tangaratta, County of Parry for stock, domestic, industrial (dairy and poultry) and irrigation purposes (51 hectares). Permanent transfer of existing entitlement, amalgamation with existing licence (90SL048804) and change of purpose. Re-advertised in lieu of previous advertisement due to omission of additional pumps. Ref: 90SL100542. GA2345889.

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550
TAMWORTH NSW 2340

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under section 5 (4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

Murrumbidgee Valley

ELIMATTA PTY LIMITED for three dams on an unnamed watercourse, Lot 3, DP 854668, Parish of Goorooyaroo, County of Murray, for the conservation of a water supply for the irrigation of 10 hectares (vines/olives). New licence. (Reference: 40SL70440).

Pamela Jean CHRISTIAN and Jon David CHRISTIAN for a dam and a pump on an unnamed watercourse, Lot 187, DP 754882, Parish of Goorooyaroo, County of Murray, for the conservation of a water supply for the irrigation of 10 hectares (lucerne/vines). New licence. (Reference: 40SL70367).

FLYNN CONSTRUCTIONS (QLD) PTY LIMITED for a dam on an unnamed watercourse, Lot 23, DP 754908, Parish of Talagandra, County of Murray, for the conservation of a water supply for the irrigation of 10 hectares (olives). New licence. (Reference: 40SL70406).

Patrick MARANDO for a dam on Murrumbateman Creek, Lot 7, DP 814656, Parish of Murrumbateman, County of Murray, for the conservation of a water supply for the irrigation of 4 hectares (lucerne). New licence. (Reference: 40SL70430).

Robert Nevon HOLLOWAY and Irene Margaret HOLLOWAY for a pump on Goodradigbee River, Lot 8, DP 867718, Parish of East Goodradigbee, County of Cowley, for a water supply for the irrigation of 4 hectares (oats/lucerne). New licence. (Reference: 40SL70407).

Robert Nicholls TRUELOVE and Sulochana TRUELOVE for a dam on Billabung Creek, Lot 184, DP 751418, Parish of Merrybundinah, County of Clarendon, for the conservation of a water supply for the irrigation of 10 hectares (lucerne). New licence. (Reference: 40SL70402).

Ian Ross VICKERY for a pump on Goobarangradra River, Lot 213, DP 750972, Parish of Blowering, County of Buccleuch, for a water supply for stock and domestic purposes and the irrigation of 10 hectares (lucerne, pasture, clover). New licence. (Reference: 40SL70401).

Neville Max COWIE for four dams on an unnamed watercourse, Lot 125, DP 757245, Parish of Oberne, County of Wynyard, for the conservation of a water supply for the irrigation of 10 hectares (pasture). New licence. (Reference: 40SL70345).

These applications are duly advertised as a necessary procedure to enable refusal, as required by the Water Act 1912.

The applications are to be refused following the introduction of a statutory embargo on the issue of new licences for irrigation purposes due to resource sustainability.

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the twenty-eight (28) days as fixed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156
LEETON NSW 2705

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATION

(T01-0123)

No. 1762, MICHELAGO LIMITED (ACN 057 816 609), area of 77 units, for Group 1 minerals, dated 3 May, 2001. (Sydney Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T00-0147)

No. 1686, now Exploration Licence No. 5844, NORD AUSTRALEX NOMINEES PTY LTD (ACN 001 657 272) and STRAITS MINING PTY LTD (ACN 055 020 614), Counties of Flinders and Mouramba, Map Sheet (8133), area of 5 units, for Group 2 minerals, dated 27 April, 2001, for a term until 26 April, 2003.

(T00-0148)

No. 1687, now Exploration Licence No. 5843, NORD AUSTRALEX NOMINEES PTY LTD (ACN 001 657 272) and STRAITS MINING PTY LTD (ACN 055 020 614), Counties of Mouramba and Robinson, Map Sheet (8134), area of 6 units, for Group 2 minerals, dated 26 April, 2001, for a term until 25 April, 2003.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATION

(T96-1221)

No. 772, TIMBARRA GOLD MINES PTY LTD (ACN 009 088 359), County of Buller, Clive and Drake, Map Sheet (9339, 9340). Withdrawal took effect on 2 May, 2001.

MINING LEASE APPLICATIONS

(T92-0659)

Lightning Ridge No. 1, Cheryl Marea SLACK-SMITH and Neil SLACK-SMITH, Parish of Wallangulla, County of Finch, (8439-2-S). Withdrawal took effect on 1 May, 2001.

(C92-0027)

Singleton No. 2, COAL OPERATIONS AUSTRALIA LIMITED (ACN 062 894 464) and CATHERINE HILL RESOURCES PTY LIMITED (ACN 063 050 680), Parish of Wallarah, County of Northumberland, (9231-4-S). Withdrawal took effect on 28 March, 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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

(M85-0733)

Authorisation No. 364, CUMNOCK NO.1 COLLIERY PTY LIMITED (ACN 051 932 122), area of 119 hectares. Application for renewal received 1 May, 2001.

(M85-3461)

Authorisation No. 372, POWERCOAL PTY LTD (ACN 052 533 070), area of 4314 hectares. Application for renewal received 30 April, 2001.

(M86-0528)

Authorisation No. 383, POWERCOAL PTY LTD (ACN 052 533 070), area of 1900 hectares. Application for renewal received 30 April, 2001.

(M86-0529)

Authorisation No. 384, POWERCOAL PTY LTD (ACN 052 533 070), area of 32 square kilometres. Application for renewal received 30 April, 2001.

(M86-0578)

Authorisation No. 385, CUMNOCK NO.1 COLLIERY PTY LIMITED (ACN 051 932 122), area of 737.7 hectares. Application for renewal received 1 May, 2001.

(C91-0082)

Authorisation No. 441, POWERCOAL PTY LTD (ACN 052 533 070), area of 288 hectares. Application for renewal received 30 April, 2001.

(T92-0599)

Exploration Licence No. 4514, CENTRAL WEST GOLD NL (ACN 003 178 591) AND MOUNT CONQUEROR MINERALS NL. (ACN 003 312 721), area of 2 units. Application for renewal received 3 May, 2001.

(T92-0429)

Exploration Licence No. 4527, LFB RESOURCES NL (ACN 073 478 574), area of 52 units. Application for renewal received 2 May, 2001.

(T93-1008)

Exploration Licence No. 4846, Peter David TIMMS, area of 1 unit. Application for renewal received 30 April, 2001.

(T98-1080)

Exploration Licence No. 5574, STRAITS EXPLORATION (AUSTRALIA) PTY LTD (ACN 061 614 695), area of 46 units. Application for renewal received 2 May, 2001.

(T98-1205)

Exploration Licence No. 5575, HARGRAVES RESOURCES NL (SUBJECT TO DEED OF COMPANY ARRANGEMENT) (ACN 060 052 897), area of 4 units. Application for renewal received 3 May, 2001.

(T99-0041)

Exploration Licence No. 5578, BASIN MINERALS HOLDINGS NL (ACN 078 944 564), area of 95 units. Application for renewal received 30 April, 2001.

(T00-0534)

Mining Purposes Lease No. 285 (Act 1973), Kevin John WILLIAMS, area of 1.598 hectares. Application for renewal received 3 May, 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T83-0207)

Exploration Licence No. 2059, GOLDFIELDS EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bland, Map Sheet (8329), area of 14 units, for a further term until 22 August, 2002. Renewal effective on and from 23 April, 2001.

(T94-0240)

Exploration Licence No. 4766, TRIAKO RESOURCES LIMITED (ACN 008 498 119), MINERAL EXPLORATION (NSW) NO 1 PTY LIMITED (ACN 084 210 800), MINERAL EXPLORATION (NSW) NO 2 PTY LIMITED (ACN 084 210 775) and MOUNT CONQUEROR MINERALS NL. (ACN 003 312 721), County of Cunningham, Map Sheet (8332), area of 4 units, for a further term until 8 January, 2003. Renewal effective on and from 4 May, 2001.

(C94-2360)

Exploration Licence No. 4911, COAL OPERATIONS AUSTRALIA LIMITED (ACN 062 894 464), County of Northumberland, Map Sheet (9131), area of 9940 hectares, for a further term until 26 October, 2005. Renewal effective on and from 24 April, 2001.

(C94-2359)

Exploration Licence No. 4912, COAL OPERATIONS AUSTRALIA LIMITED (ACN 062 894 464), County of Northumberland, Map Sheet (9131, 9231), area of 6900 hectares, for a further term until 26 October, 2005. Renewal effective on and from 24 April, 2001.

(T96-1247)

Exploration Licence No. 5238, GOLDEN CROSS OPERATIONS PTY LTD. (ACN 050 212 827), County of Ashburnham, Map Sheet (8631), area of 21 units, for a further term until 19 February, 2003. Renewal effective on and from 24 April, 2001.

(T98-1176)

Exploration Licence No. 5561, PEAK GOLD MINES PTY LIMITED (ACN 001 533 777) and DOMINION GOLD OPERATIONS PTY LIMITED (ACN 000 715 882), County of Robinson, Map Sheet (8034), area of 19 units, for a further term until 17 March, 2003. Renewal effective on and from 3 May, 2001.

(T98-0123)

Private Lands Lease No. 997 (Act 1924), AUSTRALIAN CEMENT LIMITED (ACN 004 158 972), Parish of Dungeree, County of Phillip, Map Sheet (8832-2-N), area of 1.64 hectares, for a further term until 4 March, 2021. Renewal effective on and from 23 April, 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

WITHDRAWAL OF APPLICATIONS FOR RENEWAL

NOTICE is given that the applications for renewal in respect of the following authorities have been withdrawn:

(T85-0818)

Exploration Licence No. 2619, SARACEN MINERALS NL. (ACN 009 804 862), County of Clive and County of Drake, Map Sheet (9339), area of 58 units. The authority ceased to have effect on 1 May, 2001.

(T87-0473)

Exploration Licence No. 3788, ROSS MINING NL (ACN 006 654 824), Counties of Buller, Clive and Drake, Map Sheet (9339, 9340), area of 49 units. The authority ceased to have effect on 1 May, 2001.

(T91-0250)

Exploration Licence No. 4160, ROSS MINING NL (ACN 006 654 824), Counties of Clive and Drake, Map Sheet (9339), area of 25 units. The authority ceased to have effect on 1 May, 2001.

(T91-0249)

Exploration Licence No. 4175, ROSS MINING NL (ACN 006 654 824), County of Clive, Map Sheet (9339), area of 7 units. The authority ceased to have effect on 1 May, 2001.

(T93-0877)

Exploration Licence No. 4708, TIMBARRA GOLD MINES PTY LTD (ACN 009 088 359), Counties of Clive and Drake, Map Sheet (9339), area of 11 units. The authority ceased to have effect on 1 May, 2001.

(T94-0071)

Exploration Licence No. 4712, TIMBARRA GOLD MINES PTY LTD (ACN 009 088 359), County of Drake, Map Sheet (9339), area of 9 units. The authority ceased to have effect on 1 May, 2001.

(T82-1509)

Exploration (Prospecting) Licence No. 1082, CAPRICORNIA PROSPECTING PTY LTD (ACN 008 819 252), County of Drake, Map Sheet (9339), area of 2 units. The authority ceased to have effect on 1 May, 2001.

(T82-1254)

Exploration (Prospecting) Licence No. 1084, CAPRICORNIA PROSPECTING PTY LTD (ACN 008 819 252), County of Clive, Map Sheet (9339), area of 6 units. The authority ceased to have effect on 1 May, 2001.

(T82-1255)

Exploration (Prospecting) Licence No. 1085, CAPRICORNIA PROSPECTING PTY LTD (ACN 008 819 252), County of Clive, Map Sheet (9339), area of 3 units. The authority ceased to have effect on 1 May, 2001.

(T82-1256)

Exploration (Prospecting) Licence No. 1086, CAPRICORNIA PROSPECTING PTY LTD (ACN 008 819 252), County of Clive, Map Sheet (9339), area of 2 units. The authority ceased to have effect on 1 May, 2001.

(T85-0730)

Exploration (Prospecting) Licence No. 1099, ROSS MINING NL (ACN 006 654 824), County of Clive, Map Sheet (9339), area of 6 units. The authority ceased to have effect on 1 May, 2001.

(T85-0733)

Exploration (Prospecting) Licence No. 1100, ROSS MINING NL (ACN 006 654 824), County of Clive, Map Sheet (9339), area of 4 units. The authority ceased to have effect on 1 May, 2001.

(T85-0734)

Exploration (Prospecting) Licence No. 1101, ROSS MINING NL (ACN 006 654 824), County of Clive, Map Sheet (9339), area of 4 units. The authority ceased to have effect on 1 May, 2001.

(T00-0442)

Mining Lease No. 150 (Act 1973), OMYA SOUTHERN PTY LIMITED (ACN 001 682 533), Parish of Molong, County of Ashburnham, Map Sheet (8631-1-N), area of 3.94 hectares. The title continues to have effect until 24 February, 2002.

(T00-0443)

Mining Lease No. 151 (Act 1973), OMYA SOUTHERN PTY LIMITED (ACN 001 682 533), Parish of Molong, County of Ashburnham, Map Sheet (8631-1-N), area of 6.65 hectares. The title continues to have effect until 24 February, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T93-1076)

Exploration Licence No. 4707, PLATSEARCH NL (ACN 003 254 395), County of Yancowinna, Map Sheet (7134), area of 24 units. Cancellation took effect on 4 May, 2001.

(T95-0302)

Exploration Licence No. 4916, PLATSEARCH NL (ACN 003 254 395), Counties of Farnell and Yancowinna, Map Sheet (7134), area of 89 units. Cancellation took effect on 4 May, 2001.

(T99-0112)

Mineral Claim No. 244 (Act 1992), GTN RESOURCES LIMITED (ACN 004 681 734), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T99-0113)

Mineral Claim No. 245 (Act 1992), GTN RESOURCES LIMITED (ACN 004 681 734), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T99-0114)

Mineral Claim No. 246 (Act 1992), GREAT NORTHERN CONSOLIDATED MINES LIMITED (ACN 011 048 785), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 1.91 hectares. Cancellation took effect on 3 May, 2001.

(T99-0153)

Mineral Claim No. 250 (Act 1992), GREAT NORTHERN CONSOLIDATED MINES LIMITED (ACN 011 048 785), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T99-0154)

Mineral Claim No. 251 (Act 1992), QUEENSLAND POLYMETALLIC RESOURCES PTY LTD (ACN 065 752 669), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T99-0212)

Mineral Claim No. 257 (Act 1992), GTN GEMS MARKETING PTY LTD (ACN 087 544 045), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T99-0213)

Mineral Claim No. 258 (Act 1992), GTN COPPER LIMITED (ACN 084 102 143), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-S), area of 2 hectares. Cancellation took effect on 3 May, 2001.

(T84-1038)

Mining Lease No. 1119 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LIMITED (ACN 000 393 135), Parish of Tuncurry, County of Gloucester, Map Sheet (9333-1-N), area of 31.35 hectares. Cancellation took effect on 4 May, 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

MINING ACT 1992

ORDER

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Mining Act, 1992, do by this my Order, revoke the Order dated 20 November 1974, published in *Government Gazette* No. 154 of 20 December 1974 on page 4992, particularised as Reserve No. 3073 as described in the Schedule below.

Signed at Sydney this 11th day of April 2001.

By Her Excellency's Command

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

SCHEDULE

Parish of Marangaroo and Lidsdale, County Cook

Land District – Lithgow; Shire – Blaxland

1:25000 Map: 8931-3-N

Area: Being the whole of Reserve No. 3073.

COAL MINES REGULATION ACT 1982

REVOCATION OF APPROVAL

REVOKED APPROVAL Nos: MDA Ex ia 14066
 MDA Ex ib 14066
 FILE No.: C94/0419
 DATE: 26 March 2001

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied can no longer be used in or be supplied to a coal mine in New South Wales.

Description: Intrinsically Safe Alarm Interface

Identification: M & G Controls, type ISP-1A

This approval was issued to,

Name: M & G Controls Pty Ltd

Address: 25 Oulton Street, PROSPECT, NSW 2149

The approval was notified in the *Government Gazette* No. 150, Dated: 11 November, 1994.

J.F. WAUDBY,
 Senior Inspector of Electrical Engineering
 FOR CHIEF INSPECTOR OF COAL MINES

COAL MINES REGULATION ACT 1982

Approval No: MDA Ex(ib)14066
 Issue No: A2504-01
 Date: 26 March 2001

TIME-LIMITED APPROVAL OF APPARATUS

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of the Coal Mines Regulation Act 1982 and Clause 70 and 73 of the Coal Mines (General) Regulation 1999, approvals for the purposes of Clause 140(1) of the Coal Mines (Underground) Regulation 1999, the apparatus listed below, for a period to conclude at the nominated date:

This APPROVAL is issued to: Dosanti Pty Limited
Address of Approval Holder: 34 Dallas Street, WOLLONGONG, NSW 2500
Description of Item/s: Intrinsically Safe Alarm Interface
Manufacturer and model/type: M & G Controls, type ISP-1A
C.M.R.A. Regulation: Coal Mines (Underground) Regulation 1999, Clause: 140 (1)
Specific Approval Category: Explosion Protected - Intrinsic Safety
Period of Approval: This Time Limited Approval remains in force until 20 March 02

Appended to this approval are a list of conditions, (including drawings, documents, etc.) that are applicable to these approved items, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 1983. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item. Should the apparatus not be located in a hazardous zone of a coal mine, then the approval plate shall be removed and the apparatus would be applicable for continued use as non explosion protected apparatus and is not to be part of any intrinsically safe circuit unless specifically configured thought an approved intrinsically barrier or other acceptable electrical explosion protected arrangement.

A copy of the approval documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

J.F. WAUDBY,
 Senior Inspector of Electrical Engineering
 FOR CHIEF INSPECTOR OF COAL MINES

Department of Urban Affairs and Planning

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P00/00004/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 3 May 2001.

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of this plan	4
2 Land covered by this plan	4
3 Consent authority	4
4 Aims of this plan	4
5 Relationship to other environmental planning instruments	4
6 Definitions	5
Part 2 Zoning	
Division 1 General zoning provisions	
7 Zones of Bankstown CBD	6
8 Effect of zone objectives	6
Division 2 CBD Residential 2 (c) Zone	
9 Objectives of the CBD Residential 2 (c) Zone	6
10 Development within the CBD Residential 2 (c) Zone	6
Division 3 CBD Commercial 3 (a) Zone	
11 Objectives of the CBD Commercial 3 (a) Zone	7
12 Development within the CBD Commercial 3 (a) Zone	8
Division 4 Special Uses 5 Zone	
13 Objectives of the Special Uses 5 Zone	9
14 Development within the Special Uses 5 Zone	9
15 Railway land	10

Page 2

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Contents

	Page
<hr/>	
Division 5 Public Open Space 6 (a) (Existing and Proposed) Zone	
16 Objectives of the Public Open Space 6 (a) (Existing and Proposed) Zone	10
17 Development within the Public Open Space 6 (a) (Existing and Proposed) Zone	11
Division 6 Private Open Space 6 (b) Zone	
18 Objectives of the Private Open Space 6 (b) Zone	12
19 Development in the Private Open Space 6 (b) Zone	12
Part 3 Floor space ratios	
20 Objectives for floor space ratio controls	14
21 Maximum floor space ratios	14
Part 4 Special provisions	
22 Development by public authorities	15
23 Consent for minor works	15
24 Provision of water supply and sewerage	15
25 Consent for temporary use of land	15
26 Special subdivision provisions	16
27 Suspension of covenants	16
28 Access to an arterial road	16
Schedules	
1 Definitions	18
2 Development by public authorities	23

Clause 1 Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 1 Preliminary

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 1 Preliminary

1 Name of this plan

This plan is *Bankstown Local Environmental Plan No 213—Bankstown Central Business District*.

2 Land covered by this plan

This plan applies to Bankstown Central Business District, being the land shown in colour on the zoning map.

3 Consent authority

The Council is the consent authority for the purposes of this plan.

4 Aims of this plan

The aims of this plan are:

- (a) to reinforce the status of Bankstown CBD as a metropolitan regional centre, and
- (b) to establish a clear structure of land uses within Bankstown CBD to help focus the desired future character of the different activity precincts in the centre, and
- (c) to encourage mixed-use development within the commercial zone to create a living centre with a 24-hour life, and
- (d) to introduce floor space incentives to encourage the redevelopment of key sites.

5 Relationship to other environmental planning instruments

- (1) Any provisions of an environmental planning instrument that, immediately before the commencement of this plan, applied to or in respect of any land to which this plan applies, do not apply to or in respect of that land, subject to subclauses (2) and (3).

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Clause 5

Preliminary

Part 1

- (2) Environmental planning instruments that, immediately before the commencement of this plan, applied to or in respect of any land to which this plan applies continue to apply to a development application if:
 - (a) the application was made but had not been finally determined before that commencement, and
 - (b) the proposed development is prohibited by provisions of this plan but could, with development consent, have been carried out in accordance with those instruments as in force immediately before that commencement.
- (3) This clause does not affect the application of the following environmental planning instruments to the land to which this plan applies:
 - (a) any State environmental planning policy or regional environmental plan,
 - (b) any environmental planning instrument that provides for heritage items in the Bankstown area, insofar as it relates to those heritage items,
 - (c) any environmental planning instrument that provides for exempt and complying development in the Bankstown area, insofar it relates to exempt and complying development.

6 Definitions

- (1) Expressions used in this plan that are defined in Schedule 1 have the meaning given to them by that Schedule.
- (2) The *Environmental Planning and Assessment Model Provisions 1980*, except for any expressions that are defined in Schedule 1, are adopted for the purposes of this plan.
- (3) Notes included in this plan do not form part of the plan.

Clause 7	Bankstown Local Environmental Plan No 213—Bankstown Central Business District
Part 2	Zoning
Division 1	General zoning provisions

Part 2 Zoning

Division 1 General zoning provisions

7 Zones of Bankstown CBD

For the purposes of this plan, land to which this plan applies is within one of the following zones as identified on the zoning map:

CBD Residential 2 (c) Zone

CBD Commercial 3 (a) Zone

Special Uses 5 Zone

Public Open Space 6 (a) (Existing and Proposed) Zone

Private Open Space 6 (b) Zone

8 Effect of zone objectives

The consent authority, in considering a development application, must have regard to the objectives of the zone in which the development is proposed to be carried out.

Division 2 CBD Residential 2 (c) Zone

9 Objectives of the CBD Residential 2 (c) Zone

The objectives of the CBD Residential 2 (c) Zone are:

- (a) to identify those areas within Bankstown CBD suitable for residential development only, and
- (b) to protect the residential amenity of those areas.

10 Development within the CBD Residential 2 (c) Zone

- (1) The following development in the CBD Residential 2 (c) Zone may be carried out without development consent:

- (a) development identified in DCP 35,

Note. See Schedule 1 to DCP 35.

Bankstown Local Environmental Plan No 213—Bankstown Central Business District	Clause 10
Zoning	Part 2
CBD Residential 2 (c) Zone	Division 2

- (b) development for the purpose of the following:
 - (i) maintenance works,
 - (ii) utility installations.
- (2) The following development in the CBD Residential 2 (c) Zone may not be carried out except with development consent:
 - (a) development for the purpose of the following:
 - (i) aged or disabled persons' housing,
 - (ii) child care centres,
 - (iii) dual occupancies,
 - (iv) dwelling-houses,
 - (v) places of public worship,
 - (vi) motels,
 - (vii) professional consulting rooms,
 - (viii) public utility undertakings,
 - (ix) residential flat buildings,
 - (x) serviced apartments,
 - (xi) villas,
 - (b) subdivision,
 - (c) demolition.

Note. See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.
- (3) The following development is prohibited in the CBD Residential 2 (c) Zone:
 - development that is not referred to in subclause (1) or (2).

Division 3 CBD Commercial 3 (a) Zone

11 Objectives of the CBD Commercial 3 (a) Zone

The objectives of the CBD Commercial 3 (a) Zone are:

- (a) to link the three key retail precincts (Bankstown Square, the Compass Centre block, and the Town Centre Plaza) and ensure a broad range of consumer choice, and
- (b) to permit a diversity of uses to reinforce the multi-use character of Bankstown CBD, and

Clause 11 Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 2 Zoning

Division 3 CBD Commercial 3 (a) Zone

- (c) to ensure the scale and density of development complements the desired future character of each precinct and its location in the centre, and
- (d) to define the parameters for retail activities within the centre, and
- (e) to encourage the development of offices and other commercial activities in the CBD and promote the centre as a place for employment.

12 Development within the CBD Commercial 3 (a) Zone

(1) The following development in the CBD Commercial 3 (a) Zone may be carried out without development consent:

(a) development identified as exempt development in DCP 35,

Note. See Schedule 1 to DCP 35.

(b) development for the purpose of the following:

- (i) maintenance works,
- (ii) utility installations.

(2) The following development may not be carried out in the CBD Commercial 3 (a) Zone except with development consent:

development that is not referred to in subclause (1) or (3).

Note. See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

(3) The following development is prohibited in the CBD Commercial 3 (a) Zone:

development for the purpose of the following:

- (a) amusement centres,
- (b) brothels,
- (c) bus depots,
- (d) industry,
- (e) junk yards,
- (f) liquid fuel depots,
- (g) mines,
- (h) public utility undertakings,

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Clause 12

Zoning
CBD Commercial 3 (a) Zone

Part 2
Division 3

- (i) road transport terminals,
- (j) sawmills,
- (k) stock and sale yards.

Division 4 Special Uses 5 Zone

13 Objectives of the Special Uses 5 Zone

The objectives of the Special Uses 5 Zone are:

- (a) to identify land owned, used or required to be used by or under the authority of a public authority or for another semi-public purpose, and
- (b) to provide for a range of special uses such as schools, civic buildings and parking stations, and
- (c) to reserve land for special purposes such as future car parking stations and road widening to facilitate public acquisition and protect these sites from inappropriate development, and
- (d) to ensure that in relation to land used for railway purposes, railway uses have an adequate site area and are buffered from adjacent development where appropriate.

14 Development within the Special Uses 5 Zone

- (1) The following development may be carried out in the Special Uses 5 Zone without development consent:
 - (a) development identified as exempt development in DCP 35,

Note. See Schedule 1 to DCP 35.
 - (b) development for the purpose of the following:
 - (i) maintenance works,
 - (ii) utility installations.
- (2) The following development may not be carried out in the Special Uses 5 Zone except with development consent:
 - (a) development for any purpose indicated by red lettering on the zoning map, or any other use ancillary to that purpose,
 - (b) development for the purpose of the following:
 - (i) advertising and advertising structures on railway land,
 - (ii) bus stations,

Clause 14 Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Part 2 Zoning
Division 4 Special Uses 5 Zone

- (iii) communication devices,
- (iv) community use of schools,
- (v) drainage,
- (vi) open space,
- (vii) public buildings,
- (viii) public car parks,
- (ix) public utility undertakings,
- (x) refreshment rooms on railway land,
- (xi) roads,
- (xii) shops on railway land,
- (c) subdivision,
- (d) demolition.

Note. See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

- (3) The following development is prohibited in the Special Uses 5 Zone: development that is not referred to in subclause (1) or (2).

15 Railway land

Subject to clause 22, railway land within the Special Uses 5 Zone may, with the consent of the consent authority, be used for any purpose authorised by that consent.

Division 5 Public Open Space 6 (a) (Existing and Proposed) Zone

16 Objectives of the Public Open Space 6 (a) (Existing and Proposed) Zone

The objectives of the Public Open Space 6 (a) (Existing and Proposed) Zone are:

- (a) to ensure the provision of adequate and appropriately located public open space for active and passive recreation, and
- (b) to improve the linkages between activities by creating appropriate pathways and open space corridors.

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Clause 17

Zoning
Public Open Space 6 (a) (Existing and Proposed) Zone

Part 2
Division 5

17 Development within the Public Open Space 6 (a) (Existing and Proposed) Zone

- (1) The following development may be carried out in the Public Open Space 6 (a) (Existing and Proposed) Zone without development consent:
- (a) development identified as exempt development in DCP 35,
Note. See Schedule 1 to DCP 35.
 - (b) development in accordance with a plan of management adopted under the *Local Government Act 1993* and not identified in subclause (2),
 - (c) development for the purpose of the following:
 - (i) maintenance works,
 - (ii) utility installations.
- (2) The following development may not be carried out in the Public Open Space 6 (a) (Existing and Proposed) Zone except with development consent:
- (a) development for the purpose of the following:
 - (i) advertisements incidental or ancillary to another permitted use,
 - (ii) buildings used for cultural activities, landscaping and gardening, or recreation facilities,
 - (iii) kiosks,
 - (iv) public buildings,
 - (v) public utility undertakings,
 - (vi) refreshment rooms,
 - (b) subdivision,
 - (c) demolition.
- Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.
- (3) The following development is prohibited in the Public Open Space 6 (a) (Existing and Proposed) Zone:
- (a) development that is not referred to in subclause (1) or (2).

Clause 18	Bankstown Local Environmental Plan No 213—Bankstown Central Business District
Part 2	Zoning
Division 6	Private Open Space 6 (b) Zone

Division 6 Private Open Space 6 (b) Zone

18 Objectives of the Private Open Space 6 (b) Zone

The objectives of the Private Open Space 6 (b) Zone are:

- (a) to ensure the provision of adequate and appropriately located private open space for active and passive recreation, and
- (b) to provide a broad choice in recreational activities and ensure that private open spaces are enhanced with appropriate recreational facilities.

19 Development in the Private Open Space 6 (b) Zone

- (1) The following development may be carried out in the Private Open Space 6 (b) Zone without development consent:
 - (a) development identified as exempt development in DCP 35,
Note. See Schedule 1 to DCP 35.
 - (b) development for the purpose of the following:
maintenance works.
- (2) The following development may not be carried out in the Private Open Space 6 (b) Zone except with development consent:
 - (a) development for the purpose of the following:
 - (i) advertisements incidental or ancillary to another permitted use,
 - (ii) buildings used for cultural activities, landscaping and gardening, or recreation facilities,
 - (iii) drainage,
 - (iv) kiosks,
 - (v) landscaping,
 - (vi) refreshment rooms,
 - (vii) roads,
 - (b) subdivision,
 - (c) demolition.

Note. See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Clause 19

Zoning

Part 2

Private Open Space 6 (b) Zone

Division 6

- (3) The following development is prohibited in the Private Open Space 6 (b) Zone:
development that is not referred to in subclause (1) or (2).

Clause 20 Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 3 Floor space ratios

Part 3 Floor space ratios

20 Objectives for floor space ratio controls

The objectives for the control of floor space ratios in Bankstown CBD are:

- (a) to control the scale, bulk, and intensity of development on a site, and
- (b) to provide an incentive for key sites within Bankstown CBD to be redeveloped, and
- (c) to regulate the density of development and the generation of vehicular and pedestrian traffic.

21 Maximum floor space ratios

- (1) The floor space ratio of a building on land in Bankstown CBD is not to exceed the maximum floor space ratio shown for the building on the floor space ratio map.
- (2) Despite subclause (1), a site is permitted to have a maximum floor space ratio of 4.5:1 or 3:1 only if it has a minimum primary frontage of 30 metres. Otherwise, the maximum floor space ratio for the site is 2:1.
- (3) Despite subclause (1), a mixed commercial and residential development (comprising ground level commercial use and remaining levels residential use), is permitted on a consolidated parcel of lots 1–5, DP 309748, Nos 1–3 Sir Joseph Banks Street, and Nos 31–35 Rickard Road, Bankstown, with a maximum floor space ratio of 2:1.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Clause 22

Special provisions

Part 4

Part 4 Special provisions

22 Development by public authorities

- (1) The following may be carried out on land without development consent:
 - (a) the use of existing buildings of the Crown by the Crown, and
 - (b) development of any description specified in Schedule 2.
- (2) Clause 35 of and Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980* do not apply to land to which this plan applies.

23 Consent for minor works

Development by or on behalf of the Council for the purpose of the following may be carried out on any land without development consent:

- (a) provision of street furniture, such as benches, bollards, Council information signs, public artwork installations, street lights, bus shelters, telephone kiosks and the like,
- (b) minor improvements to footpaths and other public pedestrian areas, such as tree planting and repaving,
- (c) street resurfacing, reconstruction of kerbs, footpaths, gutters and the like.

24 Provision of water supply and sewerage

The Council must not grant consent to development on any land for the purpose of commercial premises or a residential flat building unless the Council is of the opinion that arrangements satisfactory to Sydney Water Corporation have been made for the provision of water supply and sewerage services to that land.

25 Consent for temporary use of land

- (1) Despite any other provision of this plan, the consent authority may grant consent to the carrying out of development for any purpose for a temporary use.
- (2) Development for a temporary use may be carried out on all streets and public parks without development consent.

Clause 25	Bankstown Local Environmental Plan No 213—Bankstown Central Business District
Part 4	Special provisions

- (3) In this clause, *temporary use* means a use, not being designated development, carried out for a period of not more than 28 days, whether consecutive or non-consecutive, in any one year.

26 Special subdivision provisions

- (1) Subdivision of a building under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* by a strata plan or strata plan of subdivision does not require development consent if the subdivision creates lots that were illustrated in the plans that accompanied the application for development consent for the building and designated in those plans as being intended for separate occupation.
- (2) A subdivision of commercial floor space by a lease or sub-lease does not require development consent.

27 Suspension of covenants

- (1) Any covenant, agreement or instrument that restricts or prohibits development does not apply to the development, to the extent necessary to allow that development to be carried out in accordance with this plan or a consent granted under the Act.
- (2) Nothing in subclause (1) affects the rights or interests of any statutory authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (1) and (2).

28 Access to an arterial road

- (1) Despite any other provision of this plan, development on land that adjoins an arterial road and that provides for vehicular access to the land from that road must not be carried out except with development consent.
- (2) The Council must not consent to a development referred to in subclause (1) unless:
- (a) vehicular access is made or to be made by way of another road (not being a state road), or
 - (b) in the opinion of Council, it is not practicable to provide alternative access to the land by another road or a proposed road identified in a development control plan.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Clause 28

Special provisions

Part 4

- (3) Before determining a development application that provides for vehicular access to an arterial road, the Council must:
- (a) give notice of the development application to the Roads and Traffic Authority, and
 - (b) take into account any submissions that are made by the Roads and Traffic Authority in relation to the development application within the time specified by the Council in the notice.
- (4) In this clause:
- state road*** means a main road, state highway, freeway or tollway within the meaning of the *Roads Act 1993*.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Schedule 1 Definitions

Schedule 1 Definitions

(Clause 6)

advertisement means a sign, notice, device or representation in the nature of an outdoor advertisement visible from any public place or public reserve.

advertising structure means a structure used or to be principally used for the display of an advertisement.

amusement centre means a building or place (not being a hotel or pub) used principally for playing:

- (a) billiards, pool, or other like games, or
- (b) electrically or mechanically operated amusement devices, such as pinball machines, video games and the like.

appointed day means the day on which this plan takes effect.

Bankstown CBD means the land to which this plan applies.

boarding-house includes a house let in lodgings or a hostel but does not include a motel.

brothel means premises habitually used for the purposes of prostitution, or that are designed for that purpose, even if used by only one prostitute for the purposes of prostitution.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

child care centre means a building or place that is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Definitions

Schedule 1

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule or a roadside stall.

communication device means a satellite communication dish or similar structure, or a television antenna or radio transmission mast or aerial, with a maximum dimension of no more than 5 metres.

Council means the Council of the City of Bankstown.

DCP 31 means *Development Control Plan (DCP) No 31: Residential Development Standards* as adopted by the Council on 7 November 2000.

DCP 35 means *Development Control Plan (DCP) No 35: Development System DCP* as adopted by the Council on 27 October 2000.

dual occupancy means two attached dwellings (with a single common wall) or two detached dwellings on a single allotment where both dwellings are constructed in accordance with DCP 31.

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

dwelling-house means a building containing one but not more than one dwelling.

educational establishment means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

floor space includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include:

- (a) any car parking space in a building, being a space provided to meet the standards required by the Council (but not car parking space provided in excess of those standards), or any internal access to any such car parking space, or
- (b) space used for the loading or unloading of goods, or
- (c) lift towers, cooling towers, machinery and plant rooms and any related storage space.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Schedule 1 Definitions

floor space ratio means the ratio of the floor space area of all buildings on a site to the site area.

floor space ratio map means the map marked *Bankstown Local Environmental Plan 213—Floor Space Ratio Map*.

frontage means the width of a lot at the street alignment.

hotel means premises, licensed under the *Liquor Act 1982* to sell liquor, which provide accommodation consisting of more than 20 rooms or self-contained suites for guests that are rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*.

industry means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade, sale, or gain or as ancillary to any business,

but does not include an extractive industry.

institution means:

- (a) a building used wholly or principally as a home or other establishment for mentally incapacitated persons,
- (b) a mental hospital, or
- (c) a penal or reformatory establishment.

motel means a building (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building is also used in the provision of meals to those travellers or the general public.

parking space includes any garage or court available for use by motor vehicles.

place of public assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Definitions

Schedule 1

place of public worship means a church, chapel, synagogue, temple or other place of public worship or religious instruction or place used for the purpose of religious training.

primary frontage means the shortest frontage where a lot has two or more frontages.

professional consulting rooms means a room or a number of rooms forming part of, or attached to, or within the curtilage of, an existing or proposed dwelling-house and used or intended for use at any one time by one legally qualified medical practitioner, or by one dentist within the meaning of the *Dentists Act 1989*, or by one health care professional, who practises his or her profession as a sole practitioner or in partnership with not more than one other such medical practitioner, dentist or health care professional, and who employs not more than one employee in connection with that practice.

pub means premises specified in a hotelier's licence granted under the *Liquor Act 1982* that do not comprise a hotel.

public building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a Council or an organisation established for public purposes.

public car park means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include a pay parking space (as prescribed by the regulations under the *Road Transport (Safety and Traffic Management) Act 1999*).

public utility undertaking means any undertaking carried on by, or under the authority of, any Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of:

- (a) railway, light railway, road, water, or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

railway land means land marked "railway" on the zoning map.

recreation facility means a building or place used for indoor recreation, including a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio and bowling alley, whether used for the purpose of gain or not, but does not include a place of public assembly.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Schedule 1 Definitions

refreshment room means a restaurant, café, tea room, eating house or the like.

residential flat building means dwellings constructed above each other (including dwellings attached to a shop or office) with shared parking and/or access arrangements and shared communal open space instead of or as well as private open space.

serviced apartments means a building containing two or more self-contained dwellings:

- (a) which are used to provide short-term accommodation, but not subject to residential tenancy agreements within the meaning of the *Residential Tenancies Act 1987*, and
- (b) which are serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agents.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule, a building or place used for a purpose elsewhere specifically defined in this Schedule or a roadside stall.

site area, in relation to an allotment of land the subject of an application for consent under this plan, means the area of that land, excluding any land on which the development to which the application relates is not permitted by or under this plan.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. It does not include a room contained wholly within the roof space or a space containing only storage, sanitary facilities or a parking area contained wholly within a basement that is substantially below the natural ground level.

the Act means the *Environmental Planning and Assessment Act 1979*.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

villas means three or more dwellings of one or two storeys in height, each sharing part of a site for access or open space or site facilities.

zoning map means the map marked *Bankstown Local Environmental Plan No 213—Zoning Map*, as amended by the maps marked as follows:

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Development by public authorities

Schedule 2

Schedule 2 Development by public authorities

(Clause 22)

1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration of railway stations or bridges so as materially to affect their design, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity, or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Schedule 2 Development by public authorities

- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structure or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
 - (ii) the formation or alteration of any means of access to a road.

3 Road transport

The carrying out by persons carrying on utility undertakings, being road transport undertakings, on land comprised in their undertaking, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Bankstown Local Environmental Plan No 213—Bankstown Central
Business District

Development by public authorities

Schedule 2

4 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

5 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946*, or the *Rivers and Foreshores Improvement Act 1948*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P00/00258/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning
]

Sydney, 10 April 2001.

Clause 1 Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)*.

2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to rezone the land from the Open Space 6 (a) (Existing and Proposed Public Recreation) Zone to the Special Uses 5 (a) (Existing and Proposed) Zone under *Baulkham Hills Local Environmental Plan 1991*,

so as to allow the land to be used for the purpose of additional car parking for the Oatlands Shopping Centre.

3 Land to which plan applies

This plan applies to Lot A, DP 36482, Belmore Street East, Oatlands, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)" deposited in the office of Baulkham Hills Council.

4 Amendment of Baulkham Hills Local Environmental Plan 1991

Baulkham Hills Local Environmental Plan 1991 is amended:

- (a) by inserting in appropriate order at the end of the definition of *the map* in clause 5 (1) the following words:
Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)

Clause 4

-
- (b) by inserting in alphabetical order of locality in Part 3 of Schedule 4 the following words:

Oatlands

Belmore Street	Lot A, DP 36482—	Nil.
East	<i>Baulkham Hills Local Environmental Plan 1991 (Amendment No 80)</i>	

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P00/00215/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 3 May 2001.

Clause 1 Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
 - (b) to rezone the land from the Open Space 6 (a) (Existing and Proposed Public Recreation) Zone to the Residential 2(b) Zone under *Baulkham Hills Local Environmental Plan 1991*,
so as to allow the land to be used as an alternate private access to an adjoining residential property.
- (2) This plan also aims to make further provision for the classification or reclassification of public land as operational land as a consequence of major changes made to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.
- (3) This plan consequentially establishes new categories for operational land, but (subject to subclause (4)) does not make any change with respect to existing operational land.
- (4) This plan incidentally removes from the schedule of operational land in the 1991 plan land known as Lot 167, DP 872324, Adelphi Street, Rouse Hill, as that land is no longer under the care and control of Baulkham Hills Shire Council as public land.

3 Land to which plan applies

This plan applies to Lot 103, DP 244687, Sophia Crescent, North Rocks, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)" deposited in the office of Baulkham Hills Council.

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

Clause 4

4 Amendment of Baulkham Hills Local Environmental Plan 1991

Baulkham Hills Local Environmental Plan 1991 is amended as set out in Schedule 1.

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

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):

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

[2] Clause 37

Omit clause 37. Insert instead:

37 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 4 is land that was classified, or reclassified, as operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Part 2 of Schedule 4:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those specified opposite the land in Column 3 of Part 3 of Schedule 4.

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

Amendments

Schedule 1

-
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

[3] Schedule 4

Omit Schedule 4. Insert instead:

Schedule 4 Classification and reclassification of public land as operational land

(Clause 83)

Part 1 Land classified, or reclassified, before the application of amendments made to s 30 of Local Government Act 1993

Part of Lot 84, DP 548303 and part of Lot 7021, DP 260448, Watkins Road, Baulkham Hills, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 36)".

Part of Lot 14, DP 600786, Panaview Crescent, North Rocks, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 63)".

Lots 6, 7, 8 and 9, DP 27931 and Part Lot 1, DP 400907, 20–26 Terminus Street, Lots B and C, DP 405651, 28 Terminus Street, Lot 2, DP 20042, 265 Old Northern Road and Lot 6, DP 20042, 275 Old Northern Road, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 69)".

Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)

Schedule 1 Amendments

Part 2 Interests not changed

Part of Lot 102, DP 711320, Portsea Place, Castle Hill, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 82)".

Lot 105, DP 261604, Barwell Avenue, Castle Hill.

Lot 51, DP 838509, Old Northern Road, Castle Hill.

Lot 13, DP 238708, Francis Street, Castle Hill.

Part 3 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
North Rocks		
Sophia Crescent	Lot 103, DP 244687— <i>Baulkham Hills Local Environmental Plan 1991 (Amendment No 81)</i>	Easement for the transmission of electricity.

Fairfield Local Environmental Plan 1994 (Amendment No 70)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P01/00070/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

] Sydney, 9 May 2001.

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 70)

Fairfield Local Environmental Plan 1994 (Amendment No 70)

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 70)*.

2 Aims of plan

This plan aims:

- (a) to allow the erection of a dwelling, with development consent, on each lot of a property that is bounded by similar development, so as to maintain pockets of consistent housing types and forms, and
- (b) to add certain properties to Schedule 6 (Sites in the Residential A Zone where dwelling houses may be permitted) to *Fairfield Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to land in the City of Fairfield shown edged heavy black on the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 70)" deposited in the office of the Council of the City of Fairfield.

4 Amendment of Fairfield Local Environmental Plan 1994

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

Fairfield Local Environmental Plan 1994 (Amendment No 70)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 22DA

Insert after clause 22D:

22DA Erection of dwellings in certain localities in the Residential A Zone

- (1) This clause applies to land shown edged heavy black on the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 70)".
- (2) Despite clause 22D, the Council may consent to the erection of a dwelling on a lot if:
 - (a) the lot has an area of at least 230 square metres, and
 - (b) the lot forms part of a parcel of land comprising not more than 3 adjacent or adjoining lots held in the same ownership, and
 - (c) that parcel of land is isolated.
- (3) For the purposes of subclause (2) (c), a parcel of land is *isolated* if:
 - (a) in the case of parcel of land that is not on a corner—on either side of the land there is a dwelling that is on a separate lot with an area of less than 450 square metres, or
 - (b) in the case of a parcel of land that is on a corner lot—on each lot at the side and at the rear of the land there is a dwelling that is on a separate lot with an area of less than 450 square metres.

[2] Schedule 6 Sites in the Residential A Zone where dwelling houses may be permitted

Insert at the end of the Schedule:

68 Brenan Street, Smithfield (Lots 28 and 30, Sec 1, DP 1732)
25 Dawson Street, Fairfield Heights (Lots 28 and 29, Sec 3, DP 948)

Page 3

Fairfield Local Environmental Plan 1994 (Amendment No 70)

Schedule 1 Amendments

-
- 74 Evans Street, Fairfield Heights (Lots 49, 50 and 51, Sec 20, DP 489)
- 75 Evans Street, Fairfield Heights (Lots 6 and 7, Sec 22, DP 489)
- 78 Evans Street, Fairfield Heights (Lots 45 and 46, Sec 20, DP 489)
- 82 Evans Street, Fairfield Heights (Lots 41 and 42, Sec 20, DP 489)
- 1 Linda Street, Fairfield Heights (Lots 22, 23 and 24, Sec 2, DP 948 and Lot 11, DP 1009518)
- 9 Linda Street, Fairfield Heights (Lots 33 and 34, Sec 2, DP 948)
- 15 Linda Street, Fairfield Heights (Lots 37 and 38, Sec 2, DP 948)
- 20 Linda Street, Fairfield Heights (Lots 17, 18 and 19, Sec 3, DP 948)
- 24 Linda Street, Fairfield Heights (Lots 13 and 14, Sec 3, DP 948)
- 35 Linda Street, Fairfield Heights (Lots 62, 63 and 64, Sec 11, DP 489)
- 58 Linda Street, Fairfield Heights (Lots 7, 8 and 9, Sec 13, DP 489)
- 77 Linda Street, Fairfield Heights (Lots 49 and 50, Sec 12, DP 489)
- 83 Linda Street, Fairfield Heights (Lots 43 and 44, Sec 12, DP 489)
- 13 Parker Street, Fairfield (Lots 21 and 22, Sec 5A, DP 486)
- 23 Parker Street, Fairfield (Lots 11 and 12, Sec 5A, DP 486)
- 26 Parker Street, Fairfield (Lots 41 and 42, Sec 5, DP 486)
- 1 Rosina Street, Fairfield (Lots 31 and 32, Sec 3, DP 486)
- 7 Rosina Street, Fairfield (Lots 25 and 26, Sec 3, DP 486)
- 11 Rosina Street, Fairfield (Lots 21 and 22, Sec 3, DP 486)
- 23 Rosina Street, Fairfield (Lots 6, 7 and 8, Sec 3, DP 486)

Fairfield Local Environmental Plan 1994 (Amendment No 70)

Amendments

Schedule 1

-
- 27 Rosina Street, Fairfield (Lots 57, 58 and 59, Sec 8, DP 486)
 - 31 Rosina Street, Fairfield (Lots 52, 53 and 54, Sec 8, DP 490)
 - 35 Rosina Street, Fairfield (Lots 48 and 49, Sec 8, DP 490)
 - 55 Rosina Street, Fairfield West (Lots 22, 23 and 24, Sec 8, DP 490)
 - 57 Rosina Street, Fairfield West (Lots 20 and 21, Sec 8, DP 490)
 - 85A The Boulevard, Fairfield West (Cnr Lot 62 and Lots 61, 63 and 64, Sec 7, DP 431)
 - 78 Throsby Street, Fairfield Heights (Lots 17, 18 and 19, Sec 20, DP 489)
 - 92 Throsby Street, Fairfield Heights (Lots 1, 2 and 3, Sec 20, DP 489)
 - 7 Wenden Street, Fairfield (Lots 71 and Cnr Lot 72, Sec 4, DP 486)
 - 17A Wenden Street, Fairfield (Lots 70 and 37, Sec 3, DP 486)
 - 21 Wenden Street, Fairfield (Lots 33 and 34, Sec 3, DP 486)
 - 33 Wenden Street, Fairfield (Lots 36 and 37, Sec 2, DP 486)

Great Lakes Local Environmental Plan 1996 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(N99/00253/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 32)

Great Lakes Local Environmental Plan 1996 (Amendment No 32)

1 Name of plan

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 32)*.

2 Aims of plan

This plan aims:

- (a) in respect of part of the land to which this plan applies, to permit, with the consent of Great Lakes Council, a motor showroom, and
- (b) in respect of the remainder of the land, to adjust the zone boundaries between land within Zone No 7 (a) (the Wetlands and Littoral Rainforest Zone) and Zone No 7 (b) (the Conservation Zone) under *Great Lakes Local Environmental Plan 1996* in line with changes to the boundaries as identified in *State Environmental Planning Policy No 14—Coastal Wetlands*.

3 Land to which plan applies

- (1) To the extent that this plan permits a motor showroom, it applies to Lot 36, DP 1023220, The Lakes Way, Forster.
- (2) To the extent that this plan adjusts zone boundaries, it applies to part of Portion 233, Parish of Forster, being land situated within the local government area of Great Lakes, as shown edged heavy black or hatched on the map marked “Great Lakes Local Environmental Plan 1996 (Amendment No 32)” deposited in the office of Great Lakes Council.

Great Lakes Local Environmental Plan 1996 (Amendment No 32)

Clause 4

4 Amendment of Great Lakes Local Environmental Plan 1996

Great Lakes Local Environmental Plan 1996 is amended:

- (a) by inserting at the end of the Table to clause 33 in Columns 1 and 2, respectively, the following matter:

Lot 36, DP 1023220, The Lakes Way, Forster	Motor showroom used in conjunction with a motor showroom existing on Lot 32, DP 850018
---	---

- (b) by inserting in appropriate order in the definition of **Map** in the Dictionary the following words:

Great Lakes Local Environmental Plan 1996 (Amendment No 32)

Maclean Local Environmental Plan 2001

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(G99/00205/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 2 May 2001.

Maclean Local Environmental Plan 2001

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of plan	5
2 Aims, objectives etc	5
3 Land to which plan applies	5
4 Relationship to other environmental planning instruments	6
5 Adoption of Environmental Planning and Assessment Model Provisions 1980	6
6 Consent authority	6
7 Dictionary	6
8 Suspension of certain covenants etc	23
9 Development of land near boundaries of adjoining zones	23
10 Bushfire hazard	24
11 Flood liable land	24
12 Development in the vicinity of waterways	25
13 Development within the coastal zone	25
14 Foreshore building line	26
15 Development within river bank erosion localities	26
16 Exempt development	28
17 Complying development	29
18 Development on land identified on Acid Sulfate Soils Planning Maps	31
19 Development along main or arterial roads	34
20 Guesthouse development along main or arterial roads	37
21 Acquisition of land for road purposes	37
22 Development for certain additional purposes permitted on specific land	40
23 Classification and reclassification of public land as operational land	40
24 Zones indicated on the map	40
Part 2 Heritage items	
25 Heritage items	43
26 Development control of heritage items	43
27 Development in the vicinity of heritage items	44

Page 2

Maclean Local Environmental Plan 2001

Contents

	Page
28 Conservation incentives relating to heritage items	44
29 Heritage advertisements and notifications	45
30 Aboriginal conservation areas	45
Part 3 Rural zone provisions	
31 Rural zones applying in this plan, zone objectives and development control table	47
32 Subdivision of land within rural zones	61
33 Subdivision of land within two or more zones	62
34 Subdivision in rural zones otherwise than for the purpose of commercial farming, dwelling houses, duplexes, forestry or rural workers' dwellings	63
35 Subdivision of land within Zones Nos 1 (r) and 1 (s)	64
36 Dwelling houses and duplexes in rural zones	64
37 Rural workers' dwellings	65
38 Development within Mangrove Creek Catchment Area	65
39 Special Emphasis Areas	66
40 Clearing controls	67
41 Rural tourist facility controls	68
42 Development within Zone No 1 (i)	69
43 Development of land for mineral sand mining	69
44 Development of certain land at Brooms Head within Zone No 1 (i)	69
45 Economic geological resources	70
Part 4 Residential, business and industrial zone provisions	
46 Residential, business and industrial zones applying in this plan, zone objectives and development control table	72
47 Subdivision controls in residential, business and industrial zones	80
48 Subdivision of land within two or more zones	80
49 Development of land within Zone No 3 (a)—River Street, Maclean, between Wharf Street and Howard Street (Main Street Precinct)	81
50 Development of land within Zone No 3 (a)—River Street, Maclean, between Cameron and Wharf Streets (Southern Town Approach)	81
51 Development of land within Zone No 3 (a)—16 Woolli Street, Yamba	82
52 Development of certain land at Brooms Head and Iluka	82

Page 3

Maclean Local Environmental Plan 2001

Contents

	Page
Part 5 Special use and open space zone provisions	
53 Special use and open space zones applying in this plan, zone objectives and development control table	83
54 Subdivision controls in special use and open space zones	89
55 Acquisition of land zoned for open space purposes	89
56 Community use of schools	89
Part 6 Environmental protection zone provisions	
57 Environmental protection zones applying in this plan, zone objectives and development control table	91
58 Subdivision controls in environmental protection zones	97
59 Subdivision of land within two or more zones	98
60 Dwelling houses in environmental protection zones	99
61 Development within environmental protection zones	100
62 Development within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone)	100
63 Development within Zone No 7 (e) (the Environmental Protection (Escarpment/Scenic) Zone) or on ridgelines	101
64 Development within Mangrove Creek Catchment Area	102
Part 7 National Parks zone provisions	
65 National Parks zones applying in this plan, zone objectives and development control table	103
66 Acquisition of land for National Park purposes	105
67 Development of land within Zone No 8 (b)	105
Schedules	
1 Heritage items	107
2 Additional development	113
3 Exempt development	116
4 Complying development	130
5 Classification and reclassification of public land as operational land	139

Page 4

Maclean Local Environmental Plan 2001

Clause 1

Preliminary

Part 1

Maclean Local Environmental Plan 2001

Part 1 Preliminary

1 Name of plan

This plan is *Maclean Local Environmental Plan 2001*.

2 Aims, objectives etc

The aims of this plan are:

- (a) to make a local environmental plan for the local government area of Maclean that is divided into separate sets of provisions for different zones, and
- (b) to simplify and clarify all provisions formerly applying to rural zones, and
- (c) to restrict subdivision in rural zones and limit additional dwelling entitlements in Zones Nos 1 (a) (the Rural (Agricultural Protection) Zone) and 1 (b) (the Rural (General Rural Land) Zone), and
- (d) to delete the average lot size requirement in Zone No 1 (s) (the Rural (Small Holdings) Zone) and introduce a minimum lot size of 1.5 hectares, and
- (e) to prohibit tourist facilities in Zones Nos 1 (b) (the Rural (General Rural Land) Zone), 1 (r) (the Rural (Residential) Zone) and 1 (s) (the Rural (Small Holdings) Zone).

3 Land to which plan applies

This plan applies to land situated in the local government area of Maclean as shown by heavy black edging on the map marked "Maclean Local Environmental Plan 1992 (Amendment No 32)" deposited in the office of the Council.

Clause 4 Maclean Local Environmental Plan 2001

Part 1 Preliminary

4 Relationship to other environmental planning instruments

- (1) This plan repeals *Maclean Local Environmental Plan 1992*.
- (2) *State Environmental Planning Policy No 4—Development Without Consent* is amended by omitting from Schedule 1 (Ancillary or incidental development involving acid sulfate soils excepted from clause 10) the words “Clause 46 of *Maclean Local Environmental Plan 1992*” and by inserting instead the words “Clause 18 of *Maclean Local Environmental Plan 2001*”.

5 Adoption of Environmental Planning and Assessment Model Provisions 1980

For the purposes of this plan, the *Environmental Planning and Assessment Model Provisions 1980* are adopted, except for clauses 4 (1), 15, 31 and 33.

6 Consent authority

Subject to the Act, the Council is the consent authority for the purposes of this plan.

7 Dictionary

- (1) In this plan:

Aboriginal conservation area means a site of special significance with respect to Aboriginal culture, including natural landscape features with mythological or spiritual significance, resource sites, ceremonial grounds, sites containing Aboriginal relics, and the like.

acid sulfate soils means actual or potential acid sulphate soils, as defined in the *Acid Sulfate Soils Assessment and Management Guidelines*.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director.

Acid Sulfate Soils Planning Maps means the series of maps marked “Maclean Local Environmental Plan 1992 (Amendment No 31) Acid Sulfate Soils Planning Maps”.

advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

advertising structure means a structure used or to be used principally for the display of an advertisement.

agriculture includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry, or bees, and the growing of fruit, vegetables and the like, but does not include aquaculture.

alter, in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, other than changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

ancillary removal of native vegetation means:

- (a) the destruction or removal of any plant declared to be a noxious weed by order under the *Noxious Weeds Act 1993*, by means not likely, in the opinion of the Council, to be significantly detrimental to the native ecosystem, or
- (b) the incidental destruction or removal of native plants lying adjacent to any such noxious weeds occurring unavoidably during the process of destroying or removing those noxious weeds, or
- (c) the destruction or removal of native plants, within 3 metres of the boundary between the lands owned or occupied by different persons, for the purpose of erecting or maintaining a dividing fence between those lands, or
- (d) the destruction or removal of native plants, within 0.5 metre of the boundary between the lands owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveyors Act 1929*.

appointed day means the day on which this plan takes effect.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

aquaculture means the efficient and sustainable commercial cultivation of the resources of the sea or inland waters and includes farms established by the inundation, or further inundation, by water of an area of land for the propagation or rearing of marine or estuarine fish or plants or other organisms (including crustaceans, oysters and seaweed) which, when carried out, would be sufficient to maintain an average family in average seasons and circumstances, but does not include commercial fishing.

arterial road means:

- (a) land that is an existing road indicated on the map by a broken black line between parallel continuous heavy black lines, or
- (b) land indicated on the map by hatching perpendicular to the centreline, being hatching:
 - (i) between intermittent black lines, or
 - (ii) between heavy black lines between Oyster Channel and Coldstream Street, Yamba.

bulk store means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land in the same ownership.

bulky goods retailing means use of a building or place for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include use of a building or place for the sale of foodstuffs or clothing.

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

bus stop means a minor roadside structure or locality used for the setting down and picking up of passengers travelling by bus.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

bushfire control means bushfire mitigation or suppression works, or the construction and maintenance of fire trails and the erection of structures and buildings appurtenant to the operation of rural fire brigades formed or organised by the Council under section 15 of the *Rural Fires Act 1997*.

business identification sign means an advertisement that provides information relating to the goods or services provided at the premises or place to which it is fixed, and that does not exceed 0.75 square metre in area.

car repair station means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

caravan park means land used for the accommodation of caravans or other moveable dwellings within the meaning of the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995*.

caretaker's dwelling means a dwelling which is on land on which there is already erected a building used for commercial or industrial purposes.

child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

clear felling means the clearing of all or most of the native trees on any parcel of land so that not more than 25 trees per hectare remain over the area of the parcel on a scattered or clustered basis. For the purposes of this definition, a ***parcel of land*** means adjoining or adjacent land held in the same ownership at any time.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

clearing, in relation to land, means the destruction of, or removal in any manner of, native vegetation (trees, saplings, seedlings or shrubs) growing on the land, but does not include ancillary removal of native vegetation.

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of such a building is the premises of a club registered under the *Registered Clubs Act 1976*.

cluster farming means the commercial farming of land by a group of owners of that land where the major agricultural activity is managed in common.

cluster housing means 3 or more dwellings grouped on a site to take advantage of good building areas or views and to conserve large areas of open space. The number of dwellings on a site area should be no greater than would be allowed if each dwelling was on a separate allotment that could be created in the same zone.

commercial farming means an efficient and sustainable agricultural use of land for which the land is reasonably suited and which, when carried out on the land, would be sufficient to maintain an average family in average seasons and circumstances.

commercial fishing means any taking of fish, oysters or crustaceans the selling of which requires a licence under the *Fisheries Management Act 1994*.

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

community centre means:

- (a) a building used for the purpose of rest rooms, meeting rooms or indoor recreation, or for providing other similar facilities, or
- (b) a building or place used for the purpose of conducting social functions, child minding, cultural activities, or other similar activities, or
- (c) a building or place used for any combination of those purposes, but does not include a place of assembly.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

community development means the development of land in accordance with the *Community Land Development Act 1989* and the *Community Land Management Act 1989*.

community land means land classified as community land within the meaning of the *Local Government Act 1993*.

community purposes means public or community uses, including use for the purpose of churches, community halls, libraries, preschools, museums, fire stations, police stations, telecommunications, post offices and substations.

conventional subdivision means a subdivision of land which is not carried out under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989*.

Council means Maclean Shire Council.

dam means a construction on land of an area for the containment of water, by use of earthen walls or walls made of other materials.

demolition, in relation to a heritage item, building or work, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

development has the meaning ascribed to it in section 4 of the *Environmental Planning and Assessment Act 1979*.

Director, unless otherwise identified in this plan, means the person appointed and holding office under section 13 of the Act.

dredging means the removal of material from the bed or banks of a river or creek where the activity is part of the construction of a new or deeper navigational area or channel or part of the re-opening of a discontinued navigational area or channel, but does not include maintenance dredging.

dual occupancy means two dwellings on one allotment of land, irrespective of whether the dwellings are attached or detached.

duplex means a building containing two, but not more than two, attached dwellings.

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

dwelling house means a building containing one, but not more than one, dwelling.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

earthworks means the addition to or removal of any solid material on any land, or any other work which will alter the existing ground level or character of the surface of that land, including land filling.

educational establishment means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

environmental education facility means a building or place used for the teaching, researching and dissemination of knowledge in respect of the environment.

extractive industry means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried out,

and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

flood means relatively high stream flow which overtops the natural or artificial banks in any part of a stream or river.

flood liable land means land which would be inundated as a result of the standard flood, as determined by the Council.

flood mitigation works means the carrying out or causing to be carried out by a council engaged in flood mitigation works of any work for the purposes of flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Local Government Act 1993*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

floodplain means the portion of a river valley, adjacent to the river channel, which is covered with water when the river overflows during floods.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

floodways means those areas where a significant volume of water flows during floods only. (They are often aligned with obvious naturally defined channels.) Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow, which may in turn adversely affect other areas. (They are often, but not necessarily, the areas of deeper flow or the areas where higher velocities occur.)

forestry includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation (otherwise than in a sawmill) of wood and other forest products and the establishment of facilities required for the removal of wood and forest products and for forest protection.

general store means a shop which is used for the sale by retail of general merchandise and may include the facilities of a post office.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

guesthouse means a house used to provide travellers with sleeping accommodation and meals, commonly in the style of an overnight bed and breakfast establishment.

health care professional means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

helipad means an area or place not open to public use which is set apart for the taking off and landing of helicopters.

heliport means an area or place open to the public for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage item means a building, work, relic, tree or place described in Schedule 1.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

home industry means an industry carried on in a building (other than a dwelling house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building does not occupy floor space exceeding 50 square metres and is erected within the curtilage of the dwelling house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person,
- (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, oil or grit, or otherwise, or
 - (ii) involve exposure to view from any adjacent premises or from a public place of any unsightly matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

home occupation means an occupation carried on in a dwelling house or a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) anything that would have required registration of the building under the *Factories, Shops and Industries Act 1962* immediately before the repeal of section 11 of that Act, or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, oil or grit, or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

horticulture means farming by the cultivation of fruit, vegetables or flowers.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

hospital means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

industry means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not include an extractive industry.

intensive animal husbandry includes use of cattle feed lots, sheep feed lots, piggeries in which pigs are intensively grown, and commercial poultry operations or other intensive keeping of animals.

junk yard means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts.

kiosk means a building or light open structure used for the sale of newspapers, smallgoods and light refreshments.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

light industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

maintenance means the ongoing protective care of the fabric of a heritage item and its setting.

maintenance dredging means the removal of material from the bed of a river or creek where the activity is for the purpose of re-establishing or maintaining shipping and boating channels as are determined by the Council in consultation with the Waterways Authority, Clarence Fishermen's Co-operative Limited and the Director-General of the Department of Agriculture and identified on a map marked "Shipping and Boating Channels".

marina means a pontoon, jetty, pier or similar structure or an artificial waterway designed or adapted so as to be capable of providing a mooring for 3 or more small boats used primarily for pleasure or recreation, or 2 or more commercial or fishing boats, and includes any ancillary works, such as slipways and facilities for the repair and maintenance of boats and provision of fuel, boat accessories, parts and foodstuffs.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

mineral sand mine means a mine used for or in connection with obtaining ilmenite, monazite, rutile, zircon or similar minerals.

miscellaneous forestry means operations involving the harvesting of native forests for poles, sleepers, girders, piles, pit props and fencing materials but does not include operations involving:

- (a) the reduction in the canopy of a forest at the appointed day by more than 80 per cent, or

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

-
- (b) clearing where the remaining trees are retained in a clustered (rather than scattered) manner, or
 - (c) clear felling.

motel means a building or buildings (other than a hotel or residential flat building) substantially used for the overnight accommodation of travellers and vehicles used by them, whether or not the building or buildings are also used for the provision of meals to those travellers or the general public.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are also sold or displayed there.

native plants means plants indigenous to the North Coast of the State of New South Wales or to South East Queensland, including trees, shrubs, ferns, vines, herbs and grasses indigenous to those areas.

neighbourhood centre means an integrated complex containing shops and commercial premises which serve the local community on a limited scale, with ancillary parking and landscaping, and whether or not it also contains structures or works used for the purpose of bus stations, child care centres, clubs, community centres, dwellings attached to other buildings, hotels, places of assembly, places of public worship, professional consulting rooms, public buildings, recreation, recreation facilities, refreshment rooms, retail plant nurseries, service stations or taverns.

offensive or hazardous industry means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

operational land means land classified as operational land within the meaning of the *Local Government Act 1993*.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment.

place of public worship means a church, chapel or other place of public worship or religious instruction or a place used for the purpose of religious training.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

plant depot means a building or place used for the parking or servicing of moveable plant or machinery.

prime crop or pasture land means rural land identified by the Director-General of the Department of Agriculture as Class 1, 2 or 3 of a classification set out in the *Rural Land Evaluation Manual* available from the Department of Agriculture, or other land identified by that Director-General as having agricultural significance.

professional consulting rooms means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the *Dentists Act 1989*, or by not more than three health care professionals, who practise there the profession of medicine, dentistry or health care respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

public building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public utility undertaking means any of the following undertakings carried on or permitted or suffered to be carried on by authority of any government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- (c) development required in connection with the installation of telecommunication facilities,

and a reference to a person carrying on a public utility undertaking is to be construed as including a reference to a council, county council, government department, corporation, or authority carrying on the undertaking.

real estate sign means an advertisement in respect of a place or premises to which it is fixed which contains only a notice that the place or premises is or are for sale or letting, together with the particulars of the sale or letting, and:

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

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- (a) is not displayed for more than 14 days after the letting or completion of the sale of the premises or place to which the sign relates, and
 - (b) in the case of an advertisement in respect of residential or rural premises relating to letting or sale by private treaty—does not exceed 1.5 metres in length and 1.0 metre in height, and
 - (c) in the case of an advertisement in respect of residential or rural premises relating to sale by auction—does not exceed 2.0 metres in length and 1.5 metres in height, and
 - (d) in the case of an advertisement in respect of commercial and industrial premises—does not exceed 2.5 metres in length and 2.0 metres in height.

recreation development means development for the purpose of any one or more of the following:

- (a) parks and gardens,
- (b) parking spaces,
- (c) children's playgrounds,
- (d) musical entertainment,
- (e) public refreshment rooms,
- (f) buildings for public entertainment conducted or provided by the Council,
- (g) public entertainment,
- (h) boatsheds for the hire of boats to the public,
- (i) boats for hire to the public,
- (j) seats, shelter sheds, picnic kiosks, and other buildings for the convenience of the public,
- (k) temporary enclosures used for fund raising entertainment or public demonstrations,
- (l) improvements in the embellishment of open space areas,

and may include use of an area by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or use of an area by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons, but does not include a racecourse or a showground.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

recreation establishment means a health farm, religious retreat house, rest home, youth camp and the like but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation, and whether used for the purpose of gain or not, but does not include a place of assembly.

recreational fishing means the taking of fish for personal consumption and not for sale.

refreshment room means a restaurant, café, tea room, eating house or the like.

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the local government area of Maclean which is 50 or more years old.

residential flat building means a building containing 3 or more dwellings on one allotment of land.

retail plant nursery means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold there.

road transport terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by road, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

roadside stall means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

rural industry means handling, treating, processing or packing of primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

rural tourist facility means a building or place on a farm (which may include a refreshment room and limited tourist accommodation, including serviced apartments) which is used to provide tourists with a rural education and experience concerning the growing, production or processing of rural products which are grown or cultivated on that farm.

(For the purpose of this definition, a **farm** means an area of adjoining or adjacent land held in the same ownership and in use for agricultural or forestry purposes.)

rural worker's dwelling means a dwelling which is on land on which there is already erected a dwelling and which is occupied by persons engaged in a rural occupation on that land.

sawmill means a mill handling, cutting and processing timber from logs or baulks.

selective logging means operations involving the logging of native forests for sawlogs, but does not include operations involving:

- (a) the reduction in the canopy of a forest at the appointed day by more than 80 per cent, or
- (b) clearing where the remaining trees are retained in a clustered (rather than scattered) manner, or
- (c) clear felling.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting or suspension, transmission or chassis restoration).

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause.

Clause 7 Maclean Local Environmental Plan 2001

Part 1 Preliminary

the map means the map marked “Maclean Local Environmental Plan 1992 (Amendment No 32)”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Maclean Local Environmental Plan 1992 (Amendment No 30)

Maclean Local Environmental Plan 1992 (Amendment No 33)

Maclean Local Environmental Plan 1992 (Amendment No 34)

Maclean Local Environmental Plan 1992 (Amendment No 35)

total destination resort means a resort which, in the opinion of the Council, is a large self-contained tourist-oriented complex providing a wide, all inclusive range of facilities comprising shops, holiday accommodation and recreational components.

tourist facility means an establishment providing for holiday accommodation or recreation and may include backpackers’ accommodation, bed and breakfast accommodation, boat landing facilities, boat sheds, camping grounds, caravan parks, guest houses, holiday cabins, hotels, houseboats, marinas, motels, playgrounds, recreation facilities, refreshment rooms, serviced apartments, kiosks, water sport facilities or clubs used in conjunction with holiday accommodation or recreation, but does not include a total destination resort.

transport terminal means a building or place used as an airline terminal, a road transport terminal or a bus depot.

tree preservation order means a tree preservation order referred to in clause 8 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and includes such an order made before the appointed day.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

- (2) In this plan:
- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for that purpose, and

Maclean Local Environmental Plan 2001

Clause 7

Preliminary

Part 1

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- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (c) a reference to land within a zone specified in the Table to clause 31, 46, 53, 57 or 65 is a reference to land shown on the map in the manner indicated in clause 24 as the means of identifying land of the zone so specified.
- (3) Notes in, and the list of contents of, this plan do not form part of the plan.

8 Suspension of certain covenants etc

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any agreement, covenant or similar instrument which purports to impose restrictions on the carrying out of development on the land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority pursuant to any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (1) and (2).

9 Development of land near boundaries of adjoining zones

- (1) This clause applies to land which is within 20 metres of a boundary between two zones, excluding Zones Nos 6 (c), 7 (a), 7 (b), 7 (c) and 7 (e).
- (2) Regardless of any other provision of this plan, development may, with development consent, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone, where the consent authority is satisfied that the development will not have an adverse impact on the surrounding land use or other development.

Clause 10 Maclean Local Environmental Plan 2001

Part 1 Preliminary

10 Bushfire hazard

Consent must not be granted to the carrying out of development on land within the local government area of Maclean in respect of which a bushfire hazard has been identified in the *Maclean Shire Local Environmental Study 1989*, deposited in the office of the Council, unless the Council is satisfied that adequate provision has been or will be made for the reduction of bushfire hazard on the land.

11 Flood liable land

- (1) Consent must not be granted to the erection of a building or the carrying out of a work on land to which this plan applies if, in the opinion of the consent authority:
 - (a) the land is within a floodway, and
 - (b) the carrying out of the development is likely:
 - (i) to adversely impede the flow of floodwaters on that land or land in its immediate vicinity, or
 - (ii) to imperil the safety of persons on that land or land in its immediate vicinity in the event of those lands being inundated with floodwaters, or
 - (iii) to aggravate the consequence of floodwaters lying on that land or land in its immediate vicinity with regard to erosion, siltation or the destruction of vegetation, or
 - (iv) to have an adverse effect on the water table of that land or of land in its immediate vicinity.
- (2) Consent must not be granted to the erection of a dwelling on flood liable land unless the floor level of the living accommodation of the dwelling is located:
 - (a) in the case of land within Zone No 2 (a), 2 (b), 2 (t), 3 (a) or 4 (a) that is within the town of Iluka or Yamba, at least 0.3 metre above the 1 in 100 year flood level adopted by the Council, and
 - (b) in the case of all other land, at least 0.5 metre above the 1 in 100 year flood level adopted by the Council.
- (3) Where an application is received by the consent authority for consent to carry out development which affects flood mitigation works carried out by the Clarence River County Council, the consent authority shall, before determining the application:

Maclean Local Environmental Plan 2001

Clause 11

Preliminary

Part 1

- (a) forward particulars of the application to the Clarence River County Council, and
- (b) take into consideration any representations received from the Clarence River County Council in respect of the application within 21 days after the forwarding of those particulars to that County Council.

12 Development in the vicinity of waterways

- (1) Consent must not be granted to the carrying out of development for any purpose on land identified by the Council on a map kept by the Council for the purposes of this clause and within such distance as may be determined by the Council of the mean high water mark (or, where there is no mean high water mark, of the bank) of any tidal or non-tidal waterway within the local government area of Maclean.
- (2) In determining a distance for the purposes of this clause, the Council shall have regard to:
 - (a) the preservation of the scenic quality of foreshores, and
 - (b) minimising the risk of pollution of waterways, and
 - (c) the protection of foreshore ecosystems.
- (3) Nothing in subclause (1) prevents consent from being granted to the development of land referred to in subclause (1) for the purpose of a jetty, pier or similar structure capable of providing a mooring for one commercial or recreational fishing boat, agriculture (other than animal boarding, breeding or training establishments, intensive animal husbandry or poultry farming establishments), boat launching ramps, commercial fishing, drainage, picnic grounds, recreational fishing or roads.

13 Development within the coastal zone

Before granting consent for any development in the coastal zone as defined in the *NSW Coastal Policy 1997*, the consent authority must take into consideration the design and location principles as set out in Table 3 entitled "Design and Location Principles for Consideration in LEPs, DCPs and Development Control" in the *NSW Coastal Policy 1997*.

Note. The coastal zone includes a one kilometre strip along the coastline, three nautical miles seaward and all coastal rivers, lakes, lagoons, estuaries and islands. Land within one kilometre of coastal rivers, lakes, lagoons, estuaries and islands is included in the coastal zone.

Clause 14 Maclean Local Environmental Plan 2001

Part 1 Preliminary

14 Foreshore building line

- (1) The Council may, by resolution, fix a line (in this clause called a *foreshore building line*) in respect of any land fronting any bay, river, creek, lake, lagoon, harbour or ocean.
- (2) A foreshore building line shall, when fixed in accordance with subclause (1), be marked on a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during office hours at the office of the Council.
- (3) The Council may by resolution alter or abolish any foreshore building line.
- (4) A building shall not be erected between a foreshore building line and a bay, river, creek, lake, lagoon, harbour or ocean in respect of which the line is fixed.

15 Development within river bank erosion localities

- (1) This clause applies to all land adjacent to the Clarence River, as shown edged with heavy black broken and unbroken lines on the map marked "Maclean Local Environmental Plan 1992 (Amendment No 7)". That map is referred to in this clause as *the river bank map*.
- (2) The aims of this clause are:
 - (a) to identify land at Palmers Island fronting the Clarence River or its tributaries which is subject to a risk of major river bank erosion, and
 - (b) to restrict development on any such land, and
 - (c) to allow more detailed provisions to be made by means of a development control plan for the control of development of any such land.
- (3) A person must not carry out any development on, or subdivide, land to which this clause applies, except with development consent.
- (4) Consent must not be granted to the erection of a building on land to which this clause applies shown cross-hatched and edged with a broken black line on the river bank map.

Maclean Local Environmental Plan 2001

Clause 15

Preliminary

Part 1

- (5) However, a person may, with development consent, repair or rebuild a building erected before this clause commenced on land to which subclause (4) applies, but only if the building has been partially destroyed by accident or by damage caused otherwise than by river bank erosion. If any such building is totally destroyed, its rebuilding is prohibited.
- (6) Consent may be granted to such repairing or rebuilding only if:
- (a) the total floor area of the building after it has been carried out will be no greater than its total floor area prior to the accident or damage, and
 - (b) where possible, the building will be relocated (when it is rebuilt or repaired) to a location on the land as far as is practicable from the river bank erosion escarpment, and
 - (c) the repairing or rebuilding will be carried out within 12 months after the date when the accident or damage occurred.
- (7) Consent must not be granted to the carrying out of any development on, or subdivision of, land to which this clause applies shown stippled and edged with a broken black line on the river bank map unless the consent authority has taken into consideration the following:
- (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, river bank erosion and flooding,
 - (b) the need to relocate buildings in the long-term,
 - (c) the need for the proposed development to be limited to a specified period of time,
 - (d) the nature, bulk and intensity of the proposed development,
 - (e) the provisions of any development control plan relating to development of the land or other land in the locality,
 - (f) whether adequate safeguards and measures have been or will be in place to protect the environment and mitigate the risk of property damage or loss of life as a result of river bank erosion and flooding,
 - (g) whether satisfactory arrangements will be made for access, during a flood and after river bank erosion, to and from the site of any building or work resulting from the proposed development.

Clause 15 Maclean Local Environmental Plan 2001

Part 1 Preliminary

- (8) A person may carry out development to protect land to which this clause applies from river bank erosion or flooding only with development consent.

16 Exempt development

- (1) Development listed in Schedule 3 is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is not exempt development if it is to be carried out on land that:
- (a) is identified as being within a Special Emphasis Area (being land to which clause 39 applies), or
 - (b) is the site of any building, work, relic, place or tree that is a heritage item, or
 - (c) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (d) is within Zone No 1 (f) (the Rural (Forests) Zone), or
 - (e) is within Zone No 1 (w) (the Rural (Waterway) Zone), or
 - (f) is within Zone No 7 (a) (the Environmental Protection (Ecological Significance) Zone), or
 - (g) is within Zone No 7 (b) (the Environmental Protection (Conservation/Habitat) Zone), or
 - (h) is within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone), or
 - (i) is within Zone No 8 (a) (the National Parks Zone), or
 - (j) is within Zone No 8 (b) (the Proposed National Parks Zone), or
 - (k) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (l) is an aquatic reserve declared under the *Fisheries Management Act 1994*.
- (3) Development is exempt development only if:
- (a) it complies with the relevant standards for exemption listed in Schedule 3, and
 - (b) it complies with the deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and

Maclean Local Environmental Plan 2001

Clause 16

Preliminary

Part 1

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- (c) if it involves the erection of a structure, it is constructed of new materials, unless otherwise specified in the standards for exemption contained in Schedule 3, and
 - (d) it does not involve the erection of any buildings or structures over an existing easement or sewer main, and
 - (e) it does not contravene any conditions of any development consent applicable to the land.

Note. Section 76 (3) of the *Environmental Planning and Assessment Act 1979* says development can not be exempt development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*).

17 Complying development

- (1) Development listed in Schedule 4 is complying development, except as provided by subclauses (2) and (3).
- (2) Development is not complying development if it is to be carried out on land that:
 - (a) immediately adjoins a heritage item, or
 - (b) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (c) is within Zone No 1 (f) (the Rural (Forests) Zone), or
 - (d) is within Zone No 1 (w) (the Rural (Waterway) Zone), or
 - (e) is within Zone No 7 (a) (the Environmental Protection (Ecological Significance) Zone), or
 - (f) is within Zone No 7 (b) (the Environmental Protection (Conservation/Habitat) Zone), or
 - (g) is within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone), or
 - (h) is within Zone No 8 (a) (the National Parks Zone), or
 - (i) is within Zone No 8 (b) (the Proposed National Parks Zone), or
 - (j) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (k) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or

Clause 17 Maclean Local Environmental Plan 2001

Part 1 Preliminary

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- (l) is identified as being within a Special Emphasis Area (being land to which clause 39 applies), or
 - (m) is land to which clause 15 applies (land in the area of Palmers Island village), or
 - (n) is land identified on the Acid Sulfate Soils Planning Maps (being land that is subject to clause 18 of this plan), or
 - (o) is land to which the *Angourie Building Height Envelope Development Control Plan* applies, or
 - (p) is land within Zone No 2 (a) (the Residential (Low Density) Zone) in Pilot Street, Yamba, or
 - (q) is land which was previously used as a cattle tick dip or service station or on any other contaminated site identified on a register kept by the Council.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says development can not be complying development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
 - (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
 - (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.
- (3) Development is complying development only if:
- (a) it complies with the relevant development standards listed in Schedule 4, and
 - (b) it complies with the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) it does not contravene any conditions of any development consent applicable to the land, and
 - (d) it does not require the removal of a tree or trees protected by a tree preservation order.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says the following development can not be complying development:

- (a) State significant development (within the meaning of that Act),
- (b) designated development (within the meaning of that Act),
- (c) any development, if consent for it requires the concurrence of a person other than the consent authority or the Director-General of National Parks and Wildlife, as referred to in section 79B (3) of that Act.

Maclean Local Environmental Plan 2001

Clause 18

Preliminary

Part 1

18 Development on land identified on Acid Sulfate Soils Planning Maps

(1) Consent usually required

A person must not, without development consent, carry out works described in the following Table on land of the class specified for those works, except as provided by subclauses (3), (4) and (8).

Table

Class of land as shown on Acid Sulfate Soils Planning Maps	Works
1	Any works
2	<ul style="list-style-type: none"> • Works below natural ground surface • Works likely to lower the watertable
3	<ul style="list-style-type: none"> • Works more than 1 metre below natural ground surface • Works likely to lower the watertable to a depth of more than 1 metre below the natural ground surface
4	<ul style="list-style-type: none"> • Works more than 2 metres below natural ground surface • Works likely to lower the watertable to a depth of more than 2 metres below the natural ground surface
5	Works which are likely to lower the watertable below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 land

(2) For the purposes of the Table to subclause (1), *works* includes:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.

Clause 18 Maclean Local Environmental Plan 2001

Part 1 Preliminary

(3) **Exception following preliminary assessment**

This clause does not require consent for the carrying out of works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
- (b) the Council has provided written advice to the person proposing to carry out the works confirming that the results of the preliminary assessment indicate the proposed works do not require the preparation of a management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.

(4) **Exception for cane land**

In the case of land used for the cultivation of cane, this clause does not require consent for the carrying out of works if:

- (a) a "Production Area Entitlement" with the NSW Sugar Milling Cooperative Ltd applies to this land at the time of carrying out the works, and
- (b) the works are carried out in accordance with a drainage management plan lodged with and endorsed by the NSW Sugar Milling Cooperative Ltd, and
- (c) the drainage management plan has been prepared in accordance with the *Sugar Industry Best Practice Guidelines*, a copy of which is available from the office of the Council, and
- (d) the *Sugar Industry Best Practice Guidelines* have been approved by the Director in consultation with the NSW Acid Sulfate Soils Management Advisory Committee (ASSMAC) and the Department of Agriculture and have been adopted by the Council, and
- (e) the works are not carried out on any land within Zone No 7 (a) (the Environmental Protection (Ecological Significance) Zone) or land identified as a Special Emphasis Area (being land to which clause 39 applies), and
- (f) the Council has not served a notice on the person carrying out or using the works, or published a notice in a newspaper circulating in the locality of the works, requiring that the carrying out or use of the works must cease or that development consent must be obtained prior to the carrying out or further use of the works.

Maclean Local Environmental Plan 2001

Clause 18

Preliminary

Part 1

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- (5) An annual review of drainage management plans and works to which subclause (4) relates is to be carried out by NSW Sugar Milling Cooperative Limited to a standard satisfactory to the Council and the Cooperative is to provide the Council with a copy of the results of the review immediately after it has been carried out. The Council may issue a notice under subclause (4) (f) relating to any one or more of those works if either of those requirements is not complied with.
- (6) **Considerations for consent authority**
A consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.
- (7) **Public authorities**
This clause requires consent for development to be carried out by councils, county councils or drainage unions notwithstanding:
- (a) the provisions of clause 35 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
 - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent*.
- (8) **Special provisions for Council and county councils**
Regardless of the provisions of subclause (7), the following types of development may be carried out by the Council or a county council without development consent:
- (a) development consisting of emergency work, and
 - (b) development consisting of routine maintenance, and
 - (c) development consisting of minor work,
- and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies.

Clause 18 Maclean Local Environmental Plan 2001

Part 1 Preliminary

(9) Where the Council or a county council carries out development described in subclause (8) and encounters, or is reasonably likely to encounter, acid sulfate soils or potential acid sulfate soils, the Council or county council shall properly deal with those soils in accordance with the *Acid Sulfate Soils Assessment Guidelines* so as to minimise the actual or potential impact to the environment arising from the disturbance of the soils.

(10) In this clause:

Council's works means such works as are owned or controlled by the Council.

county council has the same meaning as in the *Local Government Act 1993*.

emergency work means the repair or replacement of any part of the Council's works or the works of a county council:

- (a) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or
- (b) because it has ceased to function or suddenly ceased to function adequately,

and includes work reasonably necessary to prevent or limit any further damage or malfunction.

minor work means new work carried out by the Council or a county council, but not drainage work, which has a value of less than \$20,000.

routine maintenance means the periodic inspection, cleaning, repair and replacement of the Council's works or the works of a county council, but does not include work that would result in an increase in the design capacity of any part of those works or necessitate the deepening of the capacity of existing works, except where one tonne, or less, of soil is disturbed.

works of a county council means such works as are owned or controlled by a county council.

19 Development along main or arterial roads

(1) Where land has a frontage to a main or arterial road indicated on the map, consent must not be granted to the carrying out of the following development on the land:

Maclean Local Environmental Plan 2001

Clause 19

Preliminary

Part 1

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- (a) development for the purpose of:
- boarding-houses, bulk stores, car repair stations, caravan parks, commercial premises, educational establishments, hospitals, hotels, industries (other than home or rural industries), institutions, junk yards, liquid fuel depots, mines, motels, motor showrooms, offensive or hazardous industries, places of assembly, places of public worship, recreation establishments, recreation facilities, refreshment rooms, residential flat buildings, retail plant nurseries, roadside stalls (except for a roadside stall fronting a main or arterial road which is not a State highway or within 200 metres of a State highway), sawmills, service stations, shops, stock and sales yards, taverns, timber yards, transport terminals, warehouses—unless access to the land is to be provided to a road other than the main or arterial road and the access to that road is located in excess of 90 metres (measured along the road alignment of the connecting road) from the alignment of the arterial road,
- (b) a subdivision, where access is intended onto the main or arterial road, except that (subject to subclause (3)) consent may be granted where no other alternative access is available and, if the main or arterial road is controlled by the RTA, the consent authority has received the concurrence of the Chief Executive of the RTA and taken into consideration the Chief Executive's comments,
- (c) development for the purpose of advertisements and advertising structures, except that consent may be granted to:
- (i) the erection on land of an advertising structure displaying notices relating only to the purpose for which the land is used, or
 - (ii) the display of advertisements and the erection of advertising structures on land identified by the Council (after consultation with the RTA where the main or arterial road is controlled by the RTA) as suitable. Such advertising may only relate to the purpose of directing the travelling public to tourist areas or tourist facilities, and may include the advertisement of community services and community facilities relevant to the tourist.

Clause 19 Maclean Local Environmental Plan 2001

Part 1 Preliminary

- (2) In deciding whether to grant concurrence under subclause (1) (b), the Chief Executive of the RTA shall take into consideration:
- (a) whether the development by its nature, intensity or the volume and type of traffic likely to be generated is likely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main or arterial road to carry traffic, and
 - (b) whether the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a main or arterial road, and
 - (c) whether the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road will not be impeded, and
 - (d) the extent to which the development might prejudice future improvements or realignment of the main or arterial road.
- (3) In determining any application for consent to carry out development on land which has a frontage to a main or arterial road, the consent authority shall have regard, without limiting the matters specified in section 79C of the Act, to the following principles:
- (a) Development should be of a type compatible with the maintenance and enhancement (as far as is practicable) of the existing scenic character of the locality.
 - (b) Development should not generate significant additional traffic or create or increase ribbon development directly along the main or arterial road, relative to the capacity and safety of the road.
 - (c) The creation of vehicular access to the main or arterial road should be minimised and, where no alternative exists, the location and treatment of the access should minimise potential traffic hazards.
 - (d) Any buildings should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline, and to maintain overall building development that is consistent with the character of the area.

Maclean Local Environmental Plan 2001

Clause 19

Preliminary

Part 1

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- (e) Any building should be set back from the nearest alignment of the main or arterial road at a distance to be determined by the consent authority having regard to:
 - (i) the nature, scale and function of the building, and
 - (ii) the maximisation of sight distance for drivers, including visibility of points of access, and
 - (iii) the minimisation of distractions to drivers, and
 - (iv) any possible future need to alter the road alignment.

20 Guesthouse development along main or arterial roads

- (1) This clause applies to development for the purpose of a guesthouse on land having frontage to a main or arterial road:
 - (a) where the land abuts a road with a speed limit greater than 80 kilometres per hour, or
 - (b) where the land abuts a road with a speed limit of 80 or less kilometres per hour and:
 - (i) the guesthouse has a total floor area exceeding 300 square metres, or
 - (ii) the guesthouse can ordinarily accommodate more than 12 persons (residents and guests) at any one time.
- (2) Consent may be granted to the carrying out of development for the purpose of a guesthouse on land to which this clause applies only if access to the land is to be provided to a road other than the main or arterial road and the access to that road is located in excess of 90 metres (measured along the road alignment of the connecting road) from the alignment of the main or arterial road.
- (3) In this clause:
guesthouse means a house used to provide travellers with sleeping accommodation and meals, commonly in the style of an overnight bed and breakfast establishment.

21 Acquisition of land for road purposes

- (1) The owner of land:
 - (a) indicated on the map by medium grey shading, or
 - (b) indicated on the map by horizontal and vertical cross-hatching, and extending as road widening or relocation between Oyster Channel and Coldstream Street, Yamba,

Clause 21 Maclean Local Environmental Plan 2001

Part 1 Preliminary

may, by notice in writing, require:

- (c) in the case of land referred to in paragraph (a), the RTA, or
 - (d) in the case of land referred to in paragraph (b), the Council,
- to acquire the land.

- (2) On receipt of a notice relating to land referred to in subclause (1) the public authority concerned shall acquire the land.
- (3) On receipt of a notice relating to land referred to in subclause (1) (a), the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant but:
 - (i) the land is included in the 5-year works program of the RTA current at the time of receipt of the notice, or
 - (ii) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for a public road.

- (4) Before its acquisition by the RTA, a person may, with development consent granted with the concurrence of the RTA, carry out development on land referred to in subclause (1) (a):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose which is compatible with development which may be carried out in an adjoining zone.
- (5) In deciding whether to grant concurrence to the carrying out of development in accordance with this clause, the RTA must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purposes for which the road is reserved,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the development.

Maclean Local Environmental Plan 2001

Clause 21

Preliminary

Part 1

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- (6) Land referred to in subclause (1) (a) or (1) (b) and acquired under this clause may be developed with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) The Council is not required to acquire land, the subject of a notice referred to in subclause (1), if the land is required to be dedicated to the Council as a condition of an existing development consent or subdivision approval.
- (8) Where, in the opinion of the Council, development cannot be carried out on land referred to in subclause (1) (b) for road purposes within a reasonable time after the appointed day, consent may be granted to the carrying out of development on the land for any other purpose.
- (9) Nothing in subclause (2) requires the Council to acquire land referred to in subclause (1) (b) while a consent is in force to the carrying out of development on that land.
- (10) Notwithstanding subclause (2) and without affecting subclauses (7), (8) and (9), the Council is not required to acquire land the subject of a notice referred to in subclause (1) unless:
- (a) a development application has, since the land last became subject to this clause, been made in respect of the land, and
 - (b) the development the subject of the development application consists of development for a purpose for which development could have been carried out on the land (whether or not with development consent) immediately before the land last became subject to this clause, and
 - (c) the Council has refused its consent to the development application.
- (11) In this clause:
- RTA** means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.
- vacant land** means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings, other than fences.

Clause 22 Maclean Local Environmental Plan 2001

Part 1 Preliminary

22 Development for certain additional purposes permitted on specific land

Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Schedule 2 and identified on the map marked “Maclean Local Environmental Plan 2001 (Schedule 2 properties)” if the development is specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

23 Classification and reclassification of public land as operational land

The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

24 Zones indicated on the map

The following zones apply as identified on the map:

Rural Zones

Zone No 1 (a), Rural (Agricultural Protection) Zone—uncoloured with heavy black edging and lettered “1 (a)”.

Zone No 1 (b), Rural (General Rural Land) Zone—uncoloured with heavy black edging and lettered “1 (b)”.

Zone No 1 (f), Rural (Forests) Zone—uncoloured with heavy black edging and lettered “1 (f)”.

Zone No 1 (i), Rural (Investigation) Zone—uncoloured with heavy black edging and lettered “1 (i)”.

Zone No 1 (r), Rural (Residential) Zone—uncoloured with heavy black edging and lettered “1 (r)”.

Zone No 1 (s), Rural (Small Holdings) Zone—uncoloured with heavy black edging and lettered “1 (s)”.

Zone No 1 (t), Rural (Tourist) Zone—uncoloured with heavy black edging and lettered “1 (t)”.

Zone No 1 (w), Rural (Waterway) Zone—uncoloured with heavy black edging and lettered “1 (w)”.

Maclean Local Environmental Plan 2001

Clause 24

Preliminary

Part 1

Residential Zones

Zone No 2 (a), Residential (Low Density) Zone—uncoloured with heavy black edging and lettered “2 (a)”.

Zone No 2 (b), Residential (Medium Density) Zone—uncoloured with heavy black edging and lettered “2 (b)”.

Zone No 2 (t), Residential (Tourism) Zone—uncoloured with heavy black edging and lettered “2 (t)”.

Business Zone

Zone No 3 (a), Business Zone—uncoloured with heavy black edging and lettered “3 (a)”.

Industrial Zone

Zone No 4 (a), Industrial Zone—uncoloured with heavy black edging and lettered “4 (a)”.

Special Uses Zone

Zone No 5 (a), Special Uses Zone—uncoloured with heavy black edging and lettered “5 (a)”.

Open Space Zones

Zone No 6 (a), Open Space Zone—uncoloured with heavy black edging and lettered “6 (a)”.

Zone No 6 (b), Proposed Open Space Zone—uncoloured with heavy black edging and lettered “6 (b)”.

Zone No 6 (c), Open Space Buffer Zone—uncoloured with heavy black edging and lettered “6 (c)”.

Environmental Protection Zones

Zone No 7 (a), Environmental Protection (Ecological Significance) Zone—uncoloured with heavy black edging and lettered “7 (a)”.

Zone No 7 (b), Environmental Protection (Conservation/Habitat) Zone—uncoloured with heavy black edging and lettered “7 (b)”.

Zone No 7 (c), Environmental Protection (Coastal Foreshore) Zone—uncoloured with heavy black edging and lettered “7 (c)”.

Zone No 7 (e), Environmental Protection (Escarpment/Scenic) Zone—uncoloured with heavy black edging and lettered “7 (e)”.

Clause 24 Maclean Local Environmental Plan 2001

Part 1 Preliminary

National Parks Zones

Zone No 8 (a), National Parks Zone—uncoloured with heavy black edging and lettered “8 (a)”.

Zone No 8 (b), Proposed National Parks Zone—uncoloured with heavy black edging and lettered “8 (b)”.

Maclean Local Environmental Plan 2001

Clause 25

Heritage items

Part 2

Part 2 Heritage items

25 Heritage items

The aims of this Part are:

- (a) to conserve the environmental heritage of the local government area of Maclean, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in the matters relating to the conservation of the area's environmental heritage, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings, as well as streetscapes and landscapes of the area and the distinctive character that they impart to the area.

26 Development control of heritage items

- (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item:
 - (a) demolish or alter the building or work, or
 - (b) damage or move the relic or excavate for the purpose of exposing the relic, or
 - (c) damage or despoil the place or tree, or
 - (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
 - (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,except with development consent.
- (2) Consent must not be granted to a development application required by subclause (1) unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

Clause 26 Maclean Local Environmental Plan 2001

Part 2 Heritage items

- (3) The consent authority may decline to grant a consent required by subclause (1) unless it has considered a conservation plan to enable it to fully consider the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.
- (4) Notwithstanding subclause (1), development consent shall not be required for:
 - (a) routine lopping and maintenance of trees, or
 - (b) removal of trees for reasons of public safety, or
 - (c) ancillary removal of native vegetation.

27 Development in the vicinity of heritage items

Consent must not be granted to an application to carry out development on land in the vicinity of a heritage item unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

28 Conservation incentives relating to heritage items

- (1) Nothing in this plan prevents consent being granted to the use of a building that is a heritage item or of the land on which any such building is erected, where the consent authority is satisfied that:
 - (a) the use would have little or no adverse effect on the amenity of the area, and
 - (b) conservation of the building depends on granting consent as referred to in this subclause.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item, the consent authority may:
 - (a) for the purpose of determining the floor space ratio, and
 - (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the consent authority is satisfied that the conservation of the building depends on its granting the exclusion.

Maclean Local Environmental Plan 2001

Clause 28

Heritage items

Part 2

- (3) Nothing in this plan prevents consent being granted to the subdivision of an allotment of land which is within a rural zone and which contains a building or structure which is a heritage item so as to create, around the item, an allotment which has an area of not more than 2,000 square metres if the consent authority is satisfied that the subdivision will assist conservation of the heritage item.

29 Heritage advertisements and notifications

- (1) Except as provided by subclause (2):
- (a) the following is advertised development—the demolition of a building or work that is a heritage item and a use of a building or land referred to in clause 28 that, but for that clause, would be prohibited under this plan, and
 - (b) where a person makes an application for consent to demolish a building or work that is a heritage item, the consent must not be granted until 28 days after the consent authority has notified the Secretary of the Heritage Council of its intention to do so.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the local government area of Maclean.

30 Aboriginal conservation areas

- (1) The Council shall maintain a register of Aboriginal conservation areas and relics as notified to the Council from time to time by the National Parks and Wildlife Service, where the Service has previously notified the property owner involved.
- (2) The Aboriginal conservation areas and relics identified in the report prepared by Denis Byrne, MA, MAACAI, and entitled “Aboriginal Archaeological Sites in the Shire of Maclean: A Heritage Study” are to be included in that register.
- (3) An application for consent to carry out development, on land identified in Map 1 or 2 of the publication referred to in subclause (2) as being an Aboriginal archaeological site or within an Archaeological Management Class 1 area, must not be granted until the consent authority has considered:

Clause 30 Maclean Local Environmental Plan 2001

Part 2 Heritage items

- (a) a conservation plan which includes an assessment of how the proposed development would affect the conservation of the item, and
 - (b) if the carrying out of the development is required to be authorised by an excavation permit under Division 9 of Part 6 of the *Heritage Act 1977*, a copy of such a permit authorising the carrying out of the development.
- (4) Clauses 26 and 29 do not apply to a building, work, relic or place that is a heritage item if it is the subject of an interim heritage order within the meaning of the *Heritage Act 1977*.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

Part 3 Rural zone provisions

31 Rural zones applying in this plan, zone objectives and development control table

- (1) The following rural zones apply as identified on the map:
 - 1 (a) Rural (Agricultural Protection)
 - 1 (b) Rural (General Rural Land)
 - 1 (f) Rural (Forests)
 - 1 (i) Rural (Investigation)
 - 1 (r) Rural (Residential)
 - 1 (s) Rural (Small Holdings)
 - 1 (t) Rural (Tourist)
 - 1 (w) Rural (Waterway)
- (2) The aims of a zone are set out in the Table to this clause under the heading "Aim of zone".
- (3) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (4) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,is specified in that Table under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (5) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is satisfied that the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

Table

Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Aim of zone

The primary aims of this zone are to protect, reserve and encourage the use of land in this zone for agriculture and uses compatible with agriculture.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to conserve the productive potential of prime crop or pasture land, and
- (b) to provide for new forms of agricultural development, and changing patterns of existing agricultural development, and
- (c) to ensure that commercial farming is not affected adversely by incompatible uses which impair its long term sustainability, and
- (d) to avoid degradation and alienation of prime agricultural land, and
- (e) to enable rural tourism, which does not adversely affect the productive potential of the land, and
- (f) to exclude urban development on all prime crop or pasture land, and
- (g) to restrict the subdivision of prime crop or pasture land, and
- (h) to encourage conservation in farming practices, and
- (i) to control the clearing of vegetation and encourage the retention of vegetation.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry); ancillary removal of native vegetation; bushfire control; clearing not included in item 4; dams with a capacity of 2 megalitres or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

aquaculture; bus stations; clear felling; clearing allowed only with consent under clause 40; cluster farming; dams not included in item 3; duplexes; dwelling houses; general stores; home industries; intensive animal husbandry; liquid fuel depots; professional consulting rooms; roadside stalls; rural industries; rural tourist facilities; rural workers' dwellings.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

caravan parks; commercial premises; educational establishments; institutions; motor showrooms; places of assembly; recreation vehicle areas; residential flat buildings; shops (other than general stores); taverns; total destination resorts; tourist facilities; transport terminals; units for aged persons; warehouses.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

Zone No 1 (b) Rural (General Rural Land) Zone

1 Aim of zone

The primary aims of this zone are to reserve rural land and encourage the use of rural land in this zone for agriculture and for uses compatible with agriculture.

2 Objectives of zone

The objectives are:

- (a) to conserve the productive potential of rural land, and
- (b) to provide for new forms of agricultural development, and changing patterns of existing agricultural development, and
- (c) to restrict the subdivision of agricultural land to ensure that suitable land is not withdrawn from production and that the potential for land to be productive is not diminished, and
- (d) to enable rural tourism, which does not adversely affect the productive potential of the land, and
- (e) to exclude urban development, and
- (f) to encourage conservation in farming practices, and
- (g) to control the clearing of vegetation and encourage the retention of vegetation.

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry); ancillary removal of native vegetation; bushfire control; clearing not included in item 4; dams with a capacity of 2 megalitres or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; horticulture; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

4 Only with development consent

Development for the purpose of:

aquaculture; bus stations; caravan parks; clear felling; clearing allowed with consent under clause 40; cluster farming; community development; dams not included in item 3; duplexes; dwelling houses; environmental education facilities; extractive industries; general stores; home industries; industries; intensive animal husbandry; liquid fuel depots; mineral sand mining; mining; professional consulting rooms; public buildings; recreation development; recreation establishments; recreation facilities; roadside stalls; rural industries; rural tourist facilities; rural workers' dwellings; sawmills; stock and sale yards; transport terminals.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

car repair stations; commercial premises; institutions; junk yards; motor showrooms; offensive or hazardous industries; residential flat buildings; shops (other than general stores); taverns; total destination resorts; tourist facilities; units for aged persons.

Zone No 1 (f) Rural (Forests) Zone

1 Aim of zone

The primary aim of this zone is to set aside land which is reserved under the *Forestry Act 1916*.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to enable the development of land within this zone for forestry purposes, and

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (b) to enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect forestry operations or nearby land.

3 Without development consent

Development for the purpose of:

agriculture (other than horticulture or intensive animal husbandry); any land use authorised by or under the *Forestry Act 1916* and any ancillary or incidental land use; bus stops; bushfire control; dams with a capacity of 2 megalitres or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; public utility undertakings.

Exempt development.

4 Only with development consent

Development that will not adversely affect the usefulness of the land for the purposes of forestry.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Any development not included in item 3 or 4.

Zone No 1 (i) Rural (Investigation) Zone

1 Aim of zone

The primary aim of this zone is to set aside land which may be needed in the future for various uses and will be investigated with respect to its suitability and the environmental consequences associated with the release of the land for any particular use.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

2 Objectives of zone

The particular objectives of this zone are:

- (a) to prohibit development which could prejudice the possible future release of land within this zone for conservation or other purposes prior to carrying out detailed investigations, and
- (b) to permit development where it can be demonstrated by the applicant that suitable land or buildings for the proposed development are not available elsewhere and that such development would not detrimentally affect the potential for the land to be rezoned, or the nature of nearby land.

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry); ancillary removal of native vegetation; bushfire control; dams with a capacity of 2 megalitres or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; horticulture; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

clearing allowed with consent under clause 40; dwelling houses; home industries; rural workers' dwellings.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

5 Prohibited

Development for the purpose of:

bulk stores; industries (other than home industries or rural industries); intensive animal husbandry; liquid fuel depots; motor showrooms; offensive or hazardous industries; sawmills, not including sawmills operated as portable and temporary mills; total destination resorts; tourist facilities; warehouses.

Zone No 1 (r) Rural (Residential) Zone

1 Aim of zone

The primary aim of this zone is to provide suitable rural land where residential development may occur.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose, and
- (b) to ensure that development maintains the rural character of the locality and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads, and
- (c) to enable a range of activities and land uses associated with the residential occupation of land, and
- (d) to discourage or prohibit development not compatible with the predominantly rural nature of the zone, and
- (e) to encourage rural-residential subdivision which does not place unreasonable and uneconomic demands on the provision or extension of services and facilities, and
- (f) to adequately protect any areas or sites of conservation value and provide vegetation and fauna corridors.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry or horticulture); ancillary removal of native vegetation; bushfire control; clearing not included in item 4; dams with a capacity of 1 megalitre or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

boarding-houses; bus stations; child care centres; clear felling; clearing allowed only with consent under clause 40; community centres; community development; dams not included in item 3; duplexes; dwelling houses; general stores; home industries; neighbourhood centres; professional consulting rooms; public buildings; recreation development; recreation establishments; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural tourist facilities; rural workers' dwellings.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

bulk stores; industries (other than home industries or rural industries); intensive animal husbandry; liquid fuel depots; motor showrooms; offensive or hazardous industries; sawmills, not including sawmills operated as portable and temporary mills; taverns; total destination resorts; tourist facilities; warehouses.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

Zone No 1 (s) Rural (Small Holdings) Zone

1 Aim of zone

The primary aim of this zone is to provide suitable rural land where small holdings may be developed in either close proximity to rural-residential subdivision or in areas some distance from rural villages or towns within the local government area of Maclean.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to encourage development for the purpose of closer rural settlement on lots of a size suitable for small-scale rural activities, and
- (b) to ensure that development maintains the rural character of the locality and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads, and
- (c) to enable a range of activities and land uses associated with small-scale rural activities, and
- (d) to discourage or prohibit development not compatible with the predominantly rural nature of the zone, and
- (e) to encourage small-scale rural subdivision which does not place unreasonable and uneconomic demands on the provision or extension of services and facilities, and
- (f) to adequately protect any areas or sites of conservation value and provide vegetation and fauna corridors.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry or horticulture); ancillary removal of native vegetation; bushfire control; clearing not included in item 4; dams with a capacity of 1 megalitre or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

boarding-houses; bus stations; child care centres; clear felling; clearing allowed only with consent under clause 40; community centres; community development; dams not included in item 3; duplexes; dwelling houses; general stores; home industries; neighbourhood centres; professional consulting rooms; public buildings; recreation development; recreation establishments; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural tourist facilities; rural workers' dwellings.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

car repair stations; intensive animal husbandry; junk yards; offensive or hazardous industries; motor showrooms; sawmills not including sawmills operated as portable and temporary mills; taverns; total destination resorts; tourist facilities.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

Zone No 1 (t) Rural (Tourist) Zone

1 Aim of zone

The primary aim of this zone is to promote tourism as a major contributor to the diversification and strength of the local government area of Maclean.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to encourage tourism activity that will complement the existing natural and constructed features of the area and be of benefit to the area's economy, and
- (b) to encourage a range of tourist facilities in the area in localities where it would not result in the degradation of environmental or agricultural features of the area, and
- (c) to encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities, and
- (d) to permit tourism development and uses associated with, ancillary to, or supportive of, tourism development, including retailing and service facilities where such facilities are an integral part of the tourism development and are of a scale appropriate to the needs of that development.

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry or horticulture); ancillary removal of native vegetation; bushfire control; clearing not included in item 4; dams having a capacity of 1 megalitre or less, or dams requiring licensing under Part 2 of the *Water Act 1912*; flood mitigation works; forestry; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

boarding-houses; bus stations; caravan parks; child care centres; clear felling; clearing allowed only with consent under clause 40; clubs; commercial premises; community development; dams not included in item 3; dredging; duplexes; dwelling houses; environmental education facilities; helipads; heliports; horticulture; hotels; maintenance dredging; marinas; motels; neighbourhood centres; public buildings; recreation development; recreation establishments; recreation facilities; serviced apartments; shops; taverns; tourist facilities.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

aquaculture; bulk stores; extractive industries; industries; intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; rural industries; sawmills, not including sawmills operated as portable and temporary mills; stock and sale yards; total destination resorts; warehouses.

Clause 31 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

Zone No 1 (w) Rural (Waterway) Zone

1 Aim of zone

The primary aim of this zone is to identify and protect land which constitutes a fish habitat.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to enable the development of land within this zone for recreational and commercial fishing purposes on sound ecological principles, and
- (b) to enable the carrying out of works related to the commercial and recreational fishing use of the Clarence River and its tributaries, and
- (c) to enable the carrying out of public utility undertakings, being water transport undertakings or wharf or river undertakings, and
- (d) to enable the recreational use of the Clarence River and its tributaries within this zone, and
- (e) to protect the ecological and aesthetic values of waterways within this zone, and
- (f) to enable tourism and other commercial activities which will have no detrimental impact on the ecological and aesthetic values of waterways within this zone.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; commercial fishing; flood mitigation works; jetties with a maximum of 2 vessels used for private use; maintenance dredging; public utility undertakings; recreational fishing; water based recreational uses (except water based recreational activities involving the use of hired equipment other than boats hired for recreational fishing purposes).

Maclean Local Environmental Plan 2001

Clause 31

Rural zone provisions

Part 3

4 Only with development consent

Any development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

32 Subdivision of land within rural zones

- (1) This clause applies to the subdivision of land within Zone No 1 (a), 1 (b) or 1 (i).
- (2) In the case of land within Zone No 1 (a), 1 (b) or 1 (i) that the consent authority is satisfied will be used for the purpose of commercial farming or aquaculture, the minimum area of land capable of being used for those purposes within each allotment to be created by the subdivision is to be not less than:
 - (a) 50 hectares, if the allotment is to be used for agriculture, and
 - (b) 20 hectares, if the allotment is to be used for aquaculture, and
 - (c) 40 hectares, if the allotment is to be used for sugarcane farming.
- (3) Notwithstanding subclause (2), consent may be granted to the adjustment of the boundaries between two lots on land in Zone No 1 (a) or 1 (b) to create one small and one large lot provided:
 - (a) no additional allotments are created, and
 - (b) no additional dwelling entitlements are created, and
 - (c) at the time of the subdivision under this subclause, a dwelling house exists on the land comprising the smaller allotment to be created, and
 - (d) it can be demonstrated that the subdivision will result in an increase in the potential agricultural productivity or economic viability of the land overall, and
 - (e) the land comprising the larger lot to be created by the subdivision is and will, after the subdivision, be required to be used for the purpose of commercial farming or aquaculture, and
 - (f) one allotment created by the subdivision meets the requirements of subclause (2), and

Clause 32 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (g) one allotment created under the provisions of this subclause has an area of no more than 1.5 hectares, and
 - (h) a minimum buffer of 50 metres exists between the dwelling house on the smaller lot and any boundary with any property used for agriculture or aquaculture, and
 - (i) the subdivision is not of an allotment already created under this subclause.
- (4) In deciding whether to grant consent to a subdivision to which this clause applies, the consent authority shall take the following matters into consideration:
- (a) the area and quality of each proposed allotment and its potential agricultural productivity,
 - (b) the likely effects (both economic and otherwise) that the proposed subdivision will have on agricultural industries in the locality and the resources employed by or in connection with those industries,
 - (c) the likely effects (both economic and otherwise) that the proposed subdivision will have on the use and development of other land and resources in the locality,
 - (d) whether there are any reasonable alternatives to the proposed subdivision in the circumstances,
 - (e) the effect of the existence of, or the erection of, a dwelling,
 - (f) the cumulative effect of similar proposals if consent is granted for allotments that comply with subclause (2),
 - (g) the likelihood of each proposed allotment remaining available for efficient agricultural use,
 - (h) any relevant matter established by a development control plan that applies to the land,
 - (i) the availability of access and the provision of services to each proposed allotment.

33 Subdivision of land within two or more zones

- (1) If an allotment of land is partly within a rural zone and partly within an environmental protection zone, consent may be granted to a subdivision of the allotment only if:
- (a) the requirements for subdivision in the rural zone are met for the land within that zone, and

Maclean Local Environmental Plan 2001

Clause 33

Rural zone provisions

Part 3

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- (b) any building to be erected on the land is located within the rural zone, or on an allotment of not less than 100 hectares in an environmental protection zone.
- (2) If an allotment of land is partly within a rural zone and partly within an environmental protection zone, consent must not be granted to a subdivision of the land which creates an allotment wholly within an environmental protection zone unless:
- (a) the allotment created has an area of not less than 100 hectares, and
- (b) the consent authority has taken the matters listed in clause 58 (3) into consideration.
- (3) If an allotment of land is partly within a rural zone and partly within a residential zone, consent may be granted to a subdivision of the allotment only if:
- (a) the requirements for subdivision in the residential zone are met for the land within that zone, and
- (b) any building to be erected on the land is located within the residential zone, or on an allotment that complies with clause 32 (2) within a rural zone.
- (4) If an allotment of land is partly within a rural zone and partly within a residential zone, consent must not be granted to a subdivision of land which creates an allotment wholly within a rural zone unless:
- (a) the allotment created satisfies the requirements of clause 32 for allotments in rural zones, and
- (b) the consent authority has taken the matters listed in clause 32 (4) into consideration.
- 34 Subdivision in rural zones otherwise than for the purpose of commercial farming, dwelling houses, duplexes, forestry or rural workers' dwellings**
- Where land within a rural zone:
- (a) was lawfully used before the appointed day for a purpose other than commercial farming, a dwelling house, a duplex, forestry or a rural worker's dwelling, or

Clause 34 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (b) may be lawfully used for a purpose other than commercial farming, a dwelling house, a duplex, forestry or a rural worker's dwelling by reason of a development consent granted in respect of that use,

consent may be granted to the subdivision of that land if the consent authority is satisfied that the allotment created by the subdivision will be used for the purpose for which it was lawfully used before the appointed day or allowed by the consent.

35 Subdivision of land within Zones Nos 1 (r) and 1 (s)

- (1) Consent may be granted to the subdivision of land in Zone No 1 (r) or 1 (s) only where the consent authority is satisfied that the land is capable of being used for the purpose of erecting a dwelling house or a duplex and the area of the allotment to be created by the subdivision is not less than:
- (a) 4,000 square metres within Zone No 1 (r), or
 - (b) 1.5 hectares within Zone No 1 (s).
- (2) The total number of lots created under this clause in any five year period shall not exceed the number specified by the Council and agreed to by the Director in accordance with the *Maclean Shire Council Land Release Strategy*, a copy of which is deposited in the office of the Council.

36 Dwelling houses and duplexes in rural zones

Consent must not be granted to the erection of a dwelling house or a duplex on an allotment of land in a rural zone unless that allotment:

- (a) has an area of not less than 40 hectares, or
- (b) comprises an allotment created by a subdivision in accordance with clause 32, 33 or 35, or
- (c) comprises an allotment on which a dwelling house could have been erected immediately prior to the appointed day and which could have been created in accordance with the provisions of clause 32, 33 or 35 if those provisions were in force at the time that the allotment was created, or
- (d) comprises an allotment of land that was consented to or approved by the Council prior to the appointed day and on which a dwelling house could have been lawfully erected immediately prior to the appointed day.

Maclean Local Environmental Plan 2001

Clause 37

Rural zone provisions

Part 3

37 Rural workers' dwellings

- (1) On an allotment of land used for commercial farming within a rural zone consent may be granted to the erection of a rural worker's dwelling, or the alteration of an existing dwelling house or building so as to create a rural worker's dwelling, provided:
 - (a) the consent authority is satisfied that the purpose for which the allotment is to be used could not be fully realised without the presence on that land of an additional residence, and
 - (b) the proposed use of the land generates sufficient income to support both the owner and additional employee, and
 - (c) no additional access to a public road is required from the land, and
 - (d) in the opinion of the consent authority, the additional dwelling to be erected will promote the objectives of the zone, and
 - (e) in the opinion of the consent authority, any proposed dwelling will not interfere with the purpose for which the land and neighbouring land is being used, either through the alienation of productive resources or creating the potential for conflict, and
 - (f) the additional dwelling is to be of a transportable type so that the dwelling can be removed and relocated should the additional dwelling be no longer essential for the efficient and productive operation of the farm.
- (2) Consent shall not be granted to the subdivision of land on which an additional dwelling house has been erected in pursuance of this clause except in accordance with this plan.

38 Development within Mangrove Creek Catchment Area

- (1) The Mangrove Creek Catchment Area is shown by diagonal hatching on the map. All development in this area, other than on land within Zone No 1 (f), requires development consent.
- (2) Consent must not be granted to the carrying out of development on land within the Mangrove Creek Catchment Area unless the consent authority has determined that the impact of the development on the quality of water in any waterway within or passing through the area would not be adverse. In determining the impact the following should be considered:

Clause 38 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (a) the risk of soil erosion, and
 - (b) the risk of water pollution, and
 - (c) any potential for siltation.
- (3) The consent authority may grant such a consent only if it has notified the Director-General of the Department of Land and Water Conservation and the Lower Clarence County Council of the development proposal and taken into consideration any advice received from that Director-General or county council within 28 days after the notice was sent.
 - (4) The Forestry Commission of New South Wales shall notify the Council of any substantial development it proposes to carry out on the land to which this clause applies and may carry out the development only after taking into consideration any comments received from the Council within 28 days after the notice was sent.

39 Special Emphasis Areas

- (1) Special Emphasis Areas are shown by horizontal hatching on the map. The aim of this clause is to ensure that the wetlands identified as Special Emphasis Areas are preserved and conserved.
- (2) All development in the Special Emphasis Areas, with the exception of uses listed in subclause (3), requires consent.
- (3) A person may, without consent, ringbark, cut down, lop, top, injure or destroy any tree on land to which this clause applies which:
 - (a) is less than 2 metres high and has a girth of less than 0.15 metre at a height of 0.4 metre from the ground, or
 - (b) is dying, dead or has become dangerous,unless the tree:
 - (c) is a protected native plant within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) is on State protected land within the meaning of the *Native Vegetation Conservation Act 1997*, or
 - (e) is located within 20 metres of a watercourse.
- (4) Consent must not be granted to development within a Special Emphasis Area for the purpose of a building.

Maclean Local Environmental Plan 2001

Clause 39

Rural zone provisions

Part 3

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- (5) In determining a development application that proposes development on land within a Special Emphasis Area, the consent authority must consider the following matters:
- (a) the environmental effects of the proposed development, including the effects on:
 - (i) the growth of native plant communities, and
 - (ii) the survival of native wildlife populations, and
 - (iii) the provision and quality of habitats for both indigenous and migratory species, and
 - (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality,
 - (b) whether feasible alternatives to the proposed development (either on other land or by other means) exist,
 - (c) whether adequate safeguards and rehabilitation measures have been or will be taken in respect of the effect of the proposal on the wetland,
 - (d) whether the development is essential for the reasonable economic use of the land, the provision of utility services or to reduce the risk of bushfires,
 - (e) whether the development is proposed to be carried out in a manner which minimises:
 - (i) visual and scenic impact, and
 - (ii) the risk of soil erosion (including erosion by wind), and
 - (iii) the risk of water pollution, through increased siltation or otherwise, and
 - (iv) the destruction of rare or locally important vegetation systems,
 - (f) the public interest (if any) in the carrying out of the proposal compared with the public interest in the preservation of the wetland.

40 Clearing controls

- (1) On land within Zone No 1 (a) or 1 (b), clearing of native vegetation in the following circumstances requires consent:
- (a) clear felling, or
 - (b) clearing within 20 metres of a watercourse, either tidal and non-tidal, or

Clause 40 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (c) clearing of trees protected by a tree preservation order.
- (2) On land within Zone No 1 (i), 1 (r), 1 (s) or 1 (t), all clearing of native vegetation requires consent, other than clearing authorised under the *Rural Fires Act 1997* or the *State Emergency and Rescue Management Act 1989*, or clearing according to a bush fire management plan under the *Rural Fires Act 1997*.
- (3) For the purposes of this clause, **clearing** does not include:
- (a) ancillary removal of native vegetation, or
 - (b) clearing required in association with flood mitigation works.

Note. Development consent for clearing may be required under the *Native Vegetation Conservation Act 1997*. Consult with the Department of Land and Water Conservation regarding requirements.

41 Rural tourist facility controls

- (1) Consent must not be granted to the carrying out of development for the purpose of a rural tourist facility unless:
- (a) any tourist accommodation to be provided is ancillary to the principal and continuing use of the land for the purpose of agriculture and guests can take part in the carrying on of the agricultural activity, and
 - (b) the development is compatible with existing and neighbouring land uses and is, wherever possible, either located on land which is not prime crop or pasture land or is contained within a small area, and
 - (c) the maximum accommodation capacity is 20 persons.
- (2) A rural tourist facility shall not provide permanent accommodation.
- (3) Consent must not be granted to the carrying out of development on land for the purpose of a rural tourist facility unless the consent authority has considered the following matters:
- (a) the natural features and ecosystems worthy of preservation or protection within or adjacent to the land, and
 - (b) the siting and design of the development so as to ensure that the development is not detrimental to the visual and social amenity of the area, and
 - (c) the adequacy of water and sewerage services for the development, and
 - (d) any significant environmental hazards.

Maclean Local Environmental Plan 2001

Clause 41

Rural zone provisions

Part 3

- (4) Consent must not be granted to the subdivision of land used as a rural tourist facility.

42 Development within Zone No 1 (i)

Consent must not be granted to the carrying out of development on land within Zone No 1 (i) unless the consent authority has considered the following matters in relation to the future use of the land:

- (a) the land capability of the land, and
- (b) the demand for the development of the land, and
- (c) whether the land can be serviced with water, sewerage and local roads, and the likely future road network, and
- (d) the *Clarence Valley Settlement Strategy* available from the office of the Council, and
- (e) the conservation value of the land.

43 Development of land for mineral sand mining

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (f), 1 (i), 1 (r) or 1 (s).
- (2) Consent must not be granted to development for the purpose of mineral sand mining, except with the concurrence of the Director.
- (3) In determining whether to grant concurrence, the Director shall take into consideration the likelihood of the proposed development:
 - (a) adversely affecting the behaviour, or being adversely affected by the behaviour, of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, or
 - (b) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, or
 - (c) adversely affecting the landscape, vegetation or scenic quality of the locality.

44 Development of certain land at Brooms Head within Zone No 1 (i)

- (1) This clause applies to land in the vicinity of Cakora Point, Brooms Head, within Zone No 1 (i), as shown by diagonal hatching on the map.

Clause 44 Maclean Local Environmental Plan 2001

Part 3 Rural zone provisions

- (2) Consent must not be granted to the subdivision of land to which this clause applies unless a reticulated sewage treatment and effluent disposal system or other sewage treatment and effluent disposal system approved by the Council after consultation with the Department of Land and Water Conservation and the Environment Protection Authority will be provided to each allotment to be created by that subdivision or arrangements satisfactory to the Council have been made for the provision of that system.

45 Economic geological resources

- (1) This clause applies to:
- (a) development on land within Zone No 1 (a), 1 (b), 1 (f), 1 (t) or 1 (w) recorded at the office of the Council as having potential peat deposits, sand (including heavy mineral, construction and silica sand), Walloon coal measures (outcrop) and Redcliff coal measures (outcrop), and
 - (b) development which the Council, after consultation with the Director-General of the Department of Mineral Resources, considers would adversely affect or compromise the extraction of a geological resource described in paragraph (a).
- (2) The consent authority shall, before determining any application for consent to carry out development to which this clause applies, refer the application to the Director-General of the Department of Mineral Resources for comment.
- (3) The consent authority, in deciding whether to grant consent to development to which this clause applies, shall take into consideration the following matters:
- (a) any comments made to the consent authority by the Director-General of the Department of Mineral Resources within 40 days after the application was forwarded to that Director-General,
 - (b) the likelihood of the proposed development adversely affecting, or being adversely affected by, the geological resource,
 - (c) the likelihood of the proposed development, when considered in aggregation with all development affecting the geological resource, adversely affecting the geological resource,
 - (d) the potential for the geological resource to be extracted prior to or concurrently with the development,

Maclean Local Environmental Plan 2001

Clause 45

Rural zone provisions

Part 3

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- (e) the extent to which the development will compromise the potential for extraction of the geological resource.
- (4) The consent authority may decline to grant a development application for consent to the carrying out of development to which this clause applies unless it has considered a geological survey, prepared by a qualified and experienced geologist. The survey shall be carried out in consultation with the Council and the Director-General of the Department of Mineral Resources and shall contain such information as is specified by the Council and that Director-General.

Clause 46 Maclean Local Environmental Plan 2001

Part 4 Residential, business and industrial zone provisions

Part 4 Residential, business and industrial zone provisions

46 Residential, business and industrial zones applying in this plan, zone objectives and development control table

- (1) The following residential, business and industrial zones apply as identified on the map:
 - 2 (a) Residential (Low Density)
 - 2 (b) Residential (Medium Density)
 - 2 (t) Residential (Tourism)
 - 3 (a) Business
 - 4 (a) Industrial
- (2) The aims of a zone are set out in the Table to this clause under the heading "Aim of zone".
- (3) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (4) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,is specified in that Table under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (5) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is satisfied that the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Maclean Local Environmental Plan 2001

Clause 46

Residential, business and industrial zone provisions

Part 4

Table

Zone No 2 (a) Residential (Low Density) Zone

1 Aim of zone

The primary aim of this zone is to enable the provision of housing, characterised by low density residential development.

2 Objectives of zone

The particular objectives of this zone are to enable:

- (a) the provision of low density housing, and
- (b) a residential environment free from any adverse impact from commercial and industrial uses, and
- (c) the provision of community uses, such as child care centres, of a compatible scale, bulk, height and design, which do not detract from the amenity and character of the residential area, and
- (d) adequate provision for water and effluent disposal.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; flood mitigation works; jetties with a maximum of 2 vessels used for private use; maintenance dredging; public utility undertakings.

Exempt development.

Clause 46	Maclean Local Environmental Plan 2001
Part 4	Residential, business and industrial zone provisions

4 Only with development consent

Development for the purpose of:

child care centres; clearing; cluster housing; dual occupancies; dwelling houses; home industries; places of public worship; utility installations (other than gas holders or generating works).

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

advertisements, excluding business identification signs; advertising structures, excluding those displaying business identification signs.

Any other development not included in item 3 or 4.

Zone No 2 (b) Residential (Medium Density) Zone

1 Aim of zone

The primary aim of this zone is to enable medium density housing in order to provide a range of housing options to meet different housing needs within the community.

2 Objectives of zone

The particular objectives of this zone are:

- (a) provision of well designed housing at a higher residential density than in Zone No 2 (a), and
- (b) location of medium density housing in areas close to services and facilities, including recreational, community, commercial and employment opportunities, and
- (c) provision of community facilities, such as child care centres, of a compatible scale, bulk, height and design, which do not detract from the amenity and character of the residential area, and

Maclean Local Environmental Plan 2001

Clause 46

Residential, business and industrial zone provisions

Part 4

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- (d) a medium density residential environment free from any adverse impact of commercial and industrial uses, and
 - (e) adequate provision for water and effluent disposal.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

child care centres; clearing; cluster housing; dual occupancies; dwelling houses; home industries; places of public worship; utility installations (other than gas holders or generating works).

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

advertisements, excluding business identification signs; advertising structures, excluding those displaying business identification signs.

Any other development not included in item 3 or 4.

Zone No 2 (t) Residential (Tourism) Zone

1 Aim of zone

The primary aim of this zone is to enable the provision of tourist facilities and high density residential accommodation and associated facilities.

Clause 46	Maclean Local Environmental Plan 2001
Part 4	Residential, business and industrial zone provisions

2 Objectives of zone

The particular objectives of this zone are:

- (a) development of a diverse tourism industry to strengthen the local economic base of the local government area of Maclean, which does not detract from the natural, social and built environment, and
- (b) provision of tourist facilities, recreation facilities and high density residential development and associated uses without adverse impact on surrounding development, and
- (c) provision of employment opportunities and economic benefits, and
- (d) adequate provision for water and effluent disposal.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

advertisements; advertising structures; caravan parks; child care centres; clearing; clubs; dual occupancies; dwelling houses; guest houses; home industries; hotels; marinas; motels; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; tourist facilities.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

Maclean Local Environmental Plan 2001

Clause 46

Residential, business and industrial zone provisions

Part 4

5 Prohibited

Development for the purpose of:
total destination resorts.

Zone No 3 (a) Business Zone

1 Aim of zone

The primary aim of this zone is to enable the provision of a range of retail and commercial activities and employment opportunities to meet the needs of the local government area's population and visitors.

2 Objectives of zone

The particular objectives of this zone are:

- (a) well designed commercial and retail development which will enhance the appearance, function and viability of commercial and retail areas, and
- (b) to provide development which is associated with, ancillary to, or supportive of, commercial or retail development, and
- (c) adequate provision for water and effluent disposal.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing; flood mitigation works; jetties with a maximum of 2 vessels used for private use; open space; public utility undertakings; roads.

Exempt development.

Clause 46	Maclean Local Environmental Plan 2001
Part 4	Residential, business and industrial zone provisions

4 Only with development consent

Development for the purpose of:

advertisements; advertising structures; bus stations; car parking; car repair stations; child care centres; clubs; commercial premises; community centres; dwelling houses, dual occupancies and residential flat buildings, but only in conjunction with shops or commercial premises; educational establishments; home industries; hotels; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation facilities; refreshment rooms; service stations; shops; tourist facilities.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

Zone No 4 (a) Industrial Zone

1 Aim of zone

The primary aim of this zone is to enable industrial development and related uses which produce a range of goods and services and provides employment without adversely affecting adjoining land, or air or water quality.

2 Objectives of zone

The particular objectives of this zone are:

- (a) development for industrial purposes and other purposes which are ancillary or supportive of existing or future industrial development, and
- (b) development for the purpose of bulky goods retailing and warehousing, and

Maclean Local Environmental Plan 2001

Clause 46

Residential, business and industrial zone provisions

Part 4

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- (c) industrial development which does not pollute or adversely affect adjoining land, air or water quality or the health, or safety of residents, and
 - (d) adequate provision for water and effluent disposal.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

4 Only with development consent

Development for the purpose of:

advertisements; advertising structures; bulk stores; bulky goods retailing; bus depots; bus stations; car repair stations; caretakers' dwellings; clearing, commercial premises; general stores; industries other than offensive or hazardous industries or extractive industries; junk yards; light industries; liquid fuel depots; motor showrooms; offices ancillary to another permissible use; places of public worship; plant depots; recreation establishments; recreation facilities; retail plant nurseries; rural industries; service stations; transport terminals; warehouses; utility installations.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

extractive industries; offensive and hazardous industries.

Clause 47 Maclean Local Environmental Plan 2001

Part 4 Residential, business and industrial zone provisions

47 Subdivision controls in residential, business and industrial zones

All subdivisions in any residential, business or industrial zone which are not exempt development require development consent.

48 Subdivision of land within two or more zones

- (1) If an allotment of land is partly within a rural zone and partly within a residential zone, consent may be granted to the subdivision of the allotment only if:
 - (a) the requirements for subdivision in the residential zone are met for the land within that zone, and
 - (b) any building to be erected on the land is located within the residential zone, or on an allotment that complies with clause 32 (2) within a rural zone.
- (2) If an allotment of land is partly within a rural zone and partly within a residential zone, consent must not be granted to a subdivision of land which creates an allotment wholly within a rural zone unless:
 - (a) the allotment created satisfies the requirements of clause 32 for allotments in rural zones, and
 - (b) the consent authority has taken the matters listed in clause 32 (4) into consideration.
- (3) If an allotment of land is partly within a residential zone and partly within an environmental protection zone, consent may be granted to a subdivision of the allotment only if:
 - (a) the requirements for subdivision in the residential zone are met for the land within that zone, and
 - (b) any building to be erected on the land is located within the residential zone, or on an allotment of not less than 100 hectares in an environmental protection zone.
- (4) If an allotment of land is partly within a residential zone and partly within an environmental protection zone, consent must not be granted to a subdivision of the land which creates an allotment wholly within an environmental protection zone unless:
 - (a) the allotment created has an area of not less than 100 hectares, and
 - (b) the consent authority has taken the matters listed in clause 58 (3) into consideration.

Maclean Local Environmental Plan 2001

Clause 49

Residential, business and industrial zone provisions

Part 4

49 Development of land within Zone No 3 (a)—River Street, Maclean, between Wharf Street and Howard Street (Main Street Precinct)

- (1) A person must not, without consent, alter or demolish a building or part of a building fronting River Street within Zone No 3 (a), except where the proposed development is consistent with the *Maclean Centre Development Control Plan* adopted by the Council on 14 June 2000.
- (2) Consent must not be granted for any redevelopment proposals for such buildings, including proposals for new fenestration and signage, unless the consent authority is satisfied that the redevelopment will be consistent with the principles of the *Maclean Centre Development Control Plan* adopted by the Council on 14 June 2000.
- (3) Redevelopment of the site consisting of Lot 69 DP 305625 and Lots 1 and 2 DP 592739 should incorporate the following principles:
 - (a) provision of an attractive facade incorporating active retail uses at the ground floor fronting River Street,
 - (b) refurbishment of the historic western facade and opening up of this part of the site fronting the river,
 - (c) provision of mixed uses, including shops, cafes, restaurants and offices.

50 Development of land within Zone No 3 (a)—River Street, Maclean, between Cameron and Wharf Streets (Southern Town Approach)

Consent must not be granted to development on land within Zone No 3 (a) situated at River Street, Maclean, between Cameron Street and Wharf Street, unless the consent authority:

- (a) is satisfied that the development is in harmony with the streetscape of that locality and its function as an entry point to the town centre, having regard to the bulk, height, design and roof form of, and the materials to be used in, any proposed building, and to signage and use of residential setbacks in relation to the proposed development, and
- (b) has considered how refurbishment of any older style of existing dwelling can be encouraged.

Clause 51	Maclean Local Environmental Plan 2001
Part 4	Residential, business and industrial zone provisions

51 Development of land within Zone No 3 (a)—16 Wooli Street, Yamba

The alteration, removal or demolition of the existing church building on land within Zone No 3 (a), being Lot 13 DP 8280 and known as 16 Wooli Street, Yamba, is not to be carried out without development consent.

52 Development of certain land at Brooms Head and Iluka

- (1) This clause applies to land in the vicinity of Cakora Point, Brooms Head and Iluka, as shown by diagonal hatching on the map.
- (2) Consent must not be granted to the subdivision of land to which this clause applies unless a reticulated sewage treatment and effluent disposal system or other sewage treatment and effluent disposal system, approved by the Council after consultation with the Director-General of the Department of Land and Water Conservation and the Environment Protection Authority, will be provided to each allotment to be created by that subdivision or arrangements satisfactory to the Council have been made for the provision of that system.

Maclean Local Environmental Plan 2001

Clause 53

Special use and open space zone provisions

Part 5

Part 5 Special use and open space zone provisions

53 Special use and open space zones applying in this plan, zone objectives and development control table

- (1) The following special use and open space zones apply as identified on the map:
 - 5 (a) Special Uses
 - 6 (a) Open Space
 - 6 (b) Proposed Open Space
 - 6 (c) Open Space Buffer
- (2) The aims of a zone are set out in the Table to this clause under the heading "Aim of zone".
- (3) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (4) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,is specified in that Table under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (5) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is satisfied that the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Clause 53	Maclean Local Environmental Plan 2001
Part 5	Special use and open space zone provisions

Table

Zone No 5 (a) Special Uses Zone

1 Aim of zone

The primary aim of this zone is to set aside land held, used or intended for acquisition for a particular public or community purpose.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to recognise existing public land use requirements, and
- (b) to enable further land to be utilised for public use as the demand warrants it, and
- (c) to enable the development of land for other purposes where it can be demonstrated by the applicant that the proposed purposes will not affect the usefulness of the land for the purpose for which the land has been zoned, and
- (d) to enable the development of uses ancillary or incidental to the purposes for which land within the zone is used.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing not included in item 4; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings.

Exempt development.

Maclean Local Environmental Plan 2001

Clause 53

Special use and open space zone provisions

Part 5

4 Only with development consent

Development for the purpose of:

clearing allowed only with consent by a tree preservation order; community purposes; the land use indicated on the map in brackets and any land use ancillary or incidental to the indicated land use.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

Zone No 6 (a) Open Space Zone

1 Aim of zone

The primary aim of this zone is to set aside land that is currently used or is available to be used for the purposes of public open space.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to ensure that there is adequate provision of open space to meet the present open space and recreational needs of all residents, and
- (b) to enable the development of land within this zone for purposes associated with recreation, and
- (c) to provide opportunities to enhance the total environmental quality of the local government area of Maclean, and
- (d) to ensure that there is adequate provision of both active and passive open space to serve the present and future recreational needs of residents and visitors.

Clause 53	Maclean Local Environmental Plan 2001
Part 5	Special use and open space zone provisions

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing not included in item 4; drainage; jetties with a maximum of 2 vessels used for private use; public utility undertakings; roads; works for the purposes of landscaping or gardening.

Exempt development.

Recreation development.

4 Only with development consent

Development for the purpose of:

clearing allowed only with consent by a tree preservation order, flood mitigation works, recreation facilities.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

Zone No 6 (b) Proposed Open Space Zone

1 Aim of zone

The primary aim of this zone is to set aside land that is proposed to be used for public open space purposes.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to reserve land which will be dedicated or required for public open space or public recreation purposes, and
- (b) to prevent the development of land within this zone for purposes that may jeopardise its future use as public open space, and

Maclean Local Environmental Plan 2001

Clause 53

Special use and open space zone provisions

Part 5

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- (c) to ensure that there is an adequate provision of open space to meet both present and likely future open space and recreational needs of all residents, and
 - (d) to provide opportunities to enhance the total environmental quality of the local government area of Maclean, and
 - (e) to enable the development of land for other purposes where it can be demonstrated by the applicant that the proposed purposes will not affect the long term usefulness of the land for recreation.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing not included in item 4; drainage; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings; works for the purpose of landscaping or gardening.

Exempt development.

Recreation development.

4 Only with development consent

Development for the purpose of:

clearing allowed only with consent by a tree preservation order; recreation facilities.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

Clause 53 Maclean Local Environmental Plan 2001

Part 5 Special use and open space zone provisions

Zone No 6 (c) Open Space Buffer Zone

1 Aim of zone

The primary aim of this zone is to set aside land, whether in public or private ownership, which will act as a buffer between main or arterial roads and development associated with town or village areas.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to prohibit access from main or arterial roads to adjoining land, and
- (b) to prevent the development of land within this zone for purposes that may jeopardise the movement of traffic safely along the adjoining main or arterial road, and
- (c) to enable the development of land within this zone for the purpose of public utility undertakings or utility installations.

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing not included in item 4; flood mitigation works; jetties with a maximum of 2 vessels used for private use; public utility undertakings; utility installations (other than gas holders or generating works); works involved in gardening or landscaping.

Exempt development.

4 Only with development consent

Development for the purpose of:

clearing allowed only with consent by a tree preservation order.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

Maclean Local Environmental Plan 2001

Clause 53

Special use and open space zone provisions

Part 5

5 Prohibited

Any development not included in item 3 or 4.

54 Subdivision controls in special use and open space zones

All subdivisions in any special use or open space zone which are not exempt development require development consent.

55 Acquisition of land zoned for open space purposes

- (1) The owner of land within Zone No 6 (b) or 6 (c) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of a notice the Council shall acquire the land.
- (3) The Council is not required to acquire land, the subject of a notice referred to in subclause (1), if the land is required to be dedicated to the Council as a condition of an existing development consent or subdivision approval.
- (4) Nothing in subclause (2) requires the Council to acquire land within Zone No 6 (b) while a consent is in force to the carrying out of development on that land.
- (5) Notwithstanding subclause (2) and without affecting subclause (3), the Council is not required to acquire land the subject of a notice referred to in subclause (1) unless:
 - (a) a development application has, since the land last became subject to this clause, been made in respect of the land, and
 - (b) the development the subject of the development application consists of development for a purpose for which development could have been carried out on the land (whether or not with development consent) immediately before the land last became subject to this clause, and
 - (c) the Council has refused its consent to the development application.

56 Community use of schools

Nothing in this plan prevents, with the consent of the Council:

- (a) the community use of the facilities and sites of schools, colleges and other educational institutions, or
- (b) the commercial operation of those facilities and sites, or

Clause 56 Maclean Local Environmental Plan 2001
Part 5 Special use and open space zone provisions

- (c) the carrying out of development for the purpose of community uses on land used for the purpose of schools, colleges or other educational institutions, whether or not the development is ancillary to any such purpose.

Maclean Local Environmental Plan 2001

Clause 57

Environmental protection zone provisions

Part 6

Part 6 Environmental protection zone provisions

57 Environmental protection zones applying in this plan, zone objectives and development control table

- (1) The following environmental protection zones apply as identified on the map:
 - 7 (a) Environmental Protection (Ecological Significance)
 - 7 (b) Environmental Protection (Conservation/Habitat)
 - 7 (c) Environmental Protection (Coastal Foreshore)
 - 7 (e) Environmental Protection (Escarpment/Scenic)
- (2) The aims of a zone are set out in the Table to this clause under the heading "Aim of zone".
- (3) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (4) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,is specified in that Table under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (5) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is satisfied that the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Clause 57	Maclean Local Environmental Plan 2001
Part 6	Environmental protection zone provisions

Table

Zone No 7 (a) Environmental Protection (Ecological Significance) Zone

1 Aim of zone

The primary aim of this zone is to identify, protect and conserve land which is of particular ecological significance.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to identify all land within the local government area of Maclean covered by *State Environmental Planning Policy No 14—Coastal Wetlands* and *State Environmental Planning Policy No 26—Littoral Rainforests*, and
- (b) to preserve estuarine wetlands and allow them to continue to function as feeding and breeding areas for wildlife, shellfish and fish, and
- (c) to prohibit development within the zone that is likely to have a detrimental effect on the habitat or landscaping qualities or the flood mitigation function of the wetlands, and
- (d) to prohibit the clearing of land, except for the careful control of noxious plants by means not likely to be significantly detrimental to the native ecosystem, and
- (e) to enable the development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the land.

Maclean Local Environmental Plan 2001

Clause 57

Environmental protection zone provisions

Part 6

3 Without development consent

Development for the purpose of:

ancillary removal of native vegetation; commercial fishing; recreational fishing.

4 Only with development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry or horticulture); boat landings (not including boat launching facilities); boat launching facilities or picnic grounds, with associated access roads and parking areas, on land above the usual water level not requiring clear felling; bushfire control; camping on land above the usual water level; clearing; environmental education facilities; home industries; jetties with a maximum of 2 vessels used for private use; protection of the existing ecological environment; public utility undertakings; roads; walkways raised above the ground or water surface, or both, where necessary; utility installations.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Nil.

Zone No 7 (b) Environmental Protection (Conservation/ Habitat) Zone

1 Aim of zone

The primary aim of this zone is to identify, protect and conserve vegetation and wildlife habitats.

2 Objectives of zone

The particular objectives of this zone are:

Clause 57 Maclean Local Environmental Plan 2001

Part 6 Environmental protection zone provisions

- (a) to prohibit development within the zone which would adversely affect the habitat and conservation value of the land, and
- (b) to enable the development of land within this zone which would not have an adverse effect on the wildlife habitat.

3 Without development consent

Development for the purpose of:
ancillary removal of native vegetation.

4 Development permissible only with development consent

Development for the purpose of:
agriculture (other than intensive animal husbandry or horticulture); bushfire control; clearing; environmental education facilities; jetties with a maximum of 2 vessels used for private use; public utility undertakings; recreational land uses; roads; utility installations.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Any other development not included in item 3 or 4.

Zone No 7 (c) Environmental Protection (Coastal Foreshore) Zone

1 Aim of zone

The aim of this zone is to identify and protect environmentally sensitive coastal land.

Maclean Local Environmental Plan 2001

Clause 57

Environmental protection zone provisions

Part 6

2 Objectives of zone

The objectives of this zone are:

- (a) to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality, and
- (b) to prevent development which would adversely affect, or be adversely affected in both the long and short term by, coastal processes, and
- (c) to protect coastal ecosystem diversity and stability.

3 Without development consent

Development for the purpose of:
ancillary removal of native vegetation.

4 Only with development consent

Development for the purpose of:
agriculture; camping grounds; clearing; dams; drainage; forestry; golf courses; home industries; jetties with a maximum of 2 vessels used for private use; mining; public utility undertakings; roads; utility installations (other than gas holders or generating works).

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Any development not included in item 3 or 4.

Clause 57 Maclean Local Environmental Plan 2001

Part 6 Environmental protection zone provisions

Zone No 7 (e) Environmental Protection (Escarpment/Scenic) Zone

1 Aim of zone

The primary aims of this zone are:

- (a) to identify and protect land of high scenic or landscape conservation value in the local government area of Maclean, and
- (b) to minimise soil erosion from the escarpment areas and prevent development in geologically hazardous areas.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to encourage the protection or preservation of the major scenic resources of the local government area of Maclean, and
- (b) to prohibit development within the zone that is likely to have a visually disruptive effect on the scenic quality and visual amenity of that area, and
- (c) in areas of high visual exposure or high scenic quality, to control the choice and colour of building materials, the position and bulk of buildings, access roads and landscaping, and
- (d) to enable development for certain purposes where such development would not have a detrimental effect on the scenic quality and visual amenity of that area or be subjected to any hazards resulting from the geological character of the locality.

Maclean Local Environmental Plan 2001

Clause 57

Environmental protection zone provisions

Part 6

3 Without development consent

Development for the purpose of:

agriculture (other than intensive animal husbandry or horticulture); ancillary removal of native vegetation; bushfire control.

Exempt development.

4 Only with development consent

Development for the purpose of:

clearing; cluster farming; dams; duplexes; dwelling houses; forestry; general stores; home industries; jetties with a maximum of 2 vessels used for private use; professional consulting rooms; public buildings; public utility undertakings; recreation establishments; recreation facilities; roadside stalls; rural industries.

Recreation development.

Any other development not included in item 3 or 5.

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Development for the purpose of:

total destination resorts.

58 Subdivision controls in environmental protection zones

- (1) This clause applies to the subdivision of land within Zone No 7 (a), 7 (b), 7 (c) or 7 (e).
- (2) Consent must not be granted to the subdivision of land in an environmental protection zone unless the minimum area of each allotment to be created by the subdivision is not less than 100 hectares.
- (3) In deciding whether to grant consent to such a subdivision, the consent authority shall take the following matters into consideration:
 - (a) the area and quality of the land comprising each proposed allotment and its potential agricultural productivity,

Clause 58 Maclean Local Environmental Plan 2001

Part 6 Environmental protection zone provisions

- (b) the likely effects (both economic and otherwise) that the proposed subdivision will have on agricultural industries in the area and the resources employed by or in connection with those industries,
- (c) the likely effects (both economic and otherwise) that the proposed subdivision will have on the use and development of other land and resources in the area,
- (d) whether there are any reasonable alternatives to the proposed subdivision in the circumstances,
- (e) the effect of the existence of, or the erection of, a dwelling,
- (f) the cumulative effect of similar proposals if consent is granted pursuant to subclause (2),
- (g) the likelihood of each proposed allotment remaining available for efficient agricultural use,
- (h) any relevant matter established in a development control plan that applies to the land,
- (i) the availability of access and the provision of services to each proposed allotment.

59 Subdivision of land within two or more zones

- (1) If an allotment of land is partly within a rural zone and partly within an environmental protection zone, consent may be granted to the subdivision of the allotment only if:
 - (a) the requirements for subdivision in the rural zone is met for the land within that zone, and
 - (b) any building to be erected on the land is located within the rural zone, or on an allotment of not less than 100 hectares in an environmental protection zone.
- (2) If an allotment of land is partly within a rural zone and partly within an environmental protection zone, consent must not be granted to a subdivision of land which creates an allotment wholly within an environmental protection zone unless:
 - (a) the allotment created has an area of not less than 100 hectares, and
 - (b) the consent authority has taken the matters listed in clause 58 (3) into consideration.

Maclean Local Environmental Plan 2001

Clause 59

Environmental protection zone provisions

Part 6

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- (3) If an allotment of land is partly within an environmental protection zone and partly within a residential zone, consent may be granted to a subdivision of the allotment only if:
- (a) the requirements for subdivision in the residential zone are met for the land within that zone, and
 - (b) any building to be erected on the land is located within the residential zone, or on an allotment of not less than 100 hectares in an environmental protection zone.
- (4) If an allotment of land is partly within an environmental protection zone and partly within a residential zone, consent must not be granted to a subdivision of the land which creates an allotment wholly within an environmental protection zone unless:
- (a) the allotment created has an area of not less than 100 hectares, and
 - (b) the consent authority has taken the matters listed in clause 58 (3) into consideration.

60 Dwelling houses in environmental protection zones

Consent must not be granted to the erection of a dwelling house on an allotment of land within any environmental protection zone unless that allotment:

- (a) has an area of not less than 40 hectares, or
- (b) comprises an allotment created by a subdivision in accordance with clause 58 or 59 of this plan, or
- (c) comprises an allotment on which a dwelling house could have been erected immediately prior to the appointed day and which could have been created in accordance with the provisions of clause 58 or 59 if those provisions were in force at the time that the allotment was created, or
- (d) comprises an allotment of land that was consented to or approved by the Council prior to the appointed day and on which a dwelling house could have been lawfully erected immediately prior to the appointed day.

Clause 61 Maclean Local Environmental Plan 2001

Part 6 Environmental protection zone provisions

61 Development within environmental protection zones

- (1) This clause applies to land within an environmental protection zone.
- (2) Consent to the carrying out of development on land to which this clause applies must not be granted unless the consent authority has determined that the impact of the development on:
 - (a) the visual and scenic quality of the area, and
 - (b) the risk of soil erosion and water pollution, and
 - (c) the important vegetation systems and natural wildlife habitats (including wetlands) of the area,would not be substantially adverse.
- (3) Subject to subclause (2), consent must not be granted to the clearing of land to which this clause applies unless the consent authority is satisfied that:
 - (a) the clearing is necessary for the reasonable use of the land or the provision of utility services, or
 - (b) the clearing is necessary to reduce the risk of bushfires.

62 Development within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone)

- (1) This clause applies to land within Zone No 7 (c).
- (2) Prior to determining a development application for the construction of buildings on land to which this clause applies, the consent authority shall notify the Minister for Land and Water Conservation about the proposal and take into consideration any matters raised by that Minister within 28 days of the notice being sent.
- (3) A person shall not carry out development for any purpose on land shown by vertical hatching on the map within Zone No 7 (c) except with development consent granted with the concurrence of the Director.
- (4) Where the consent authority receives an application for consent to the carrying out of development on land to which subclause (3) applies, it shall, within 7 days of its receipt of the application, forward a copy of the application to the Director-General of the Department of Land and Water Conservation for comment.

Maclean Local Environmental Plan 2001

Clause 62

Environmental protection zone provisions

Part 6

-
- (5) The Director, in deciding whether to grant concurrence to development referred to in subclause (3), shall take into consideration:
- (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes, and
 - (b) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore, and
 - (c) the likelihood of the proposed development adversely affecting the landscape or the scenic or environmental quality of the land in the locality, and
 - (d) whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment, and
 - (e) any comments made to the consent authority by the Director-General of the Department of Land and Water Conservation within 28 days of its being sent a copy of the application.

63 Development within Zone No 7 (e) (the Environmental Protection (Escarpment/Scenic) Zone) or on ridgelines

- (1) This clause applies to land within Zone No 7 (e) on or near a ridgeline.
- (2) The Council shall not consent to the carrying out of development on land to which this clause applies where, in the opinion of the consent authority, that development is likely to substantially detract from the visual amenity of the locality, having regard to the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.
- (3) Before giving its consent to the erection of a building on land to which this clause applies, the consent authority shall make an assessment as to whether it should impose conditions relating to:
 - (a) the use on the external surfaces of the building of prescribed materials, and
 - (b) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site, and
 - (c) the siting of the proposed building.

Clause 63 Maclean Local Environmental Plan 2001

Part 6 Environmental protection zone provisions

(4) In this clause:

external surfaces, in relation to a building or work, includes the external walls and cladding (if any), external doors, external door and window frames, columns, roofs, fences and any surface of that building or work visible from the exterior of that building or work.

prescribed materials means materials with dark tones or dark colouring and of low reflective quality or materials which are painted or similarly treated with dark toned or dark coloured paint or pigment of low reflective quality.

64 Development within Mangrove Creek Catchment Area

- (1) The Mangrove Creek Catchment Area is shown by diagonal hatching on the map. All development in this area, other than on land in Zone No 1 (f), requires development consent.
- (2) Consent must not be granted to the carrying out of development on land within the Mangrove Creek Catchment Area unless the consent authority has determined that the impact of the development on the quality of water within any waterway within or passing through that catchment area would not be adverse. In determining the impact, the following should be considered:
 - (a) the risk of soil erosion, and
 - (b) the risk of water pollution, and
 - (c) any potential for siltation.
- (3) In determining a development application required by this clause, the consent authority must notify the Director-General of the Department of Land and Water Conservation and the Lower Clarence County Council of the proposal and take into consideration any advice received within 28 days of the notice being sent.
- (4) The Forestry Commission of New South Wales shall give the Council notice before carrying out any substantial development on the land to which this clause applies and take into consideration any submission made by the Council within 28 days of the notice being sent.

Maclean Local Environmental Plan 2001

Clause 65

National Parks zone provisions

Part 7

Part 7 National Parks zone provisions

65 National Parks zones applying in this plan, zone objectives and development control table

- (1) The following National Parks zones apply as identified on the map:
 - 8 (a) National Parks
 - 8 (b) Proposed National Parks
- (2) The aims of a zone are set out in the Table to this clause under the heading "Aim of zone".
- (3) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (4) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,
 is specified in that Table under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (5) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is satisfied that the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 8 (a) National Parks Zone

1 Aim of zone

The primary aims of this zone are to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974* and to protect land so identified.

Clause 65 Maclean Local Environmental Plan 2001

Part 7 National Parks zone provisions

2 Objectives of zone

The objective is to enable the development of land within this zone for purposes which are authorised under the *National Parks and Wildlife Act 1974*.

3 Without development consent

Any development authorised under the *National Parks and Wildlife Act 1974* or any development ordinarily incidental or ancillary to such development.

4 Only with development consent

Nil.

5 Prohibited

Any development not included in item 3 or 4.

Zone No 8 (b) Proposed National Parks Zone

1 Aim of zone

The primary aims of this zone are to identify land which is proposed to be reserved or dedicated under the *National Parks and Wildlife Act 1974* and to protect land so identified.

2 Objectives of zone

The particular objectives of this zone are:

- (a) to conserve the natural characteristics of the land which is proposed to be acquired for reservation or dedication under the *National Parks and Wildlife Act 1974* as national park or nature reserve, and
- (b) to retain the productive use of such land, providing its conservation value is not impaired.

Maclean Local Environmental Plan 2001

Clause 65

National Parks zone provisions

Part 7

3 Without development consent

Development for the purpose of:

agriculture (other than cattle feed lots, pig keeping and poultry farming; the clearing of trees or native vegetation, or the erection or use of sheds or other outbuildings, or the carrying out of works, associated with agriculture); uses carried out by or on behalf of the National Parks and Wildlife Service.

4 Only with development consent

Development for the purpose of:

clearing of trees or native vegetation; erection or use of sheds or other outbuildings or the carrying out of works associated with agriculture (other than the clearing of trees or native vegetation); miscellaneous forestry; public utility undertakings; selective logging; utility installations (other than gas holders or generating works).

Note. Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

5 Prohibited

Any development not included in item 3 or 4.

66 Acquisition of land for National Park purposes

- (1) The owner of land within Zone No 8 (b) may, by notice in writing, require the Director-General of National Parks and Wildlife to acquire the land.
- (2) On receipt of a notice relating to land referred to in subclause (1) the Director-General of National Parks and Wildlife shall acquire the land.

67 Development of land within Zone No 8 (b)

Before granting consent to the carrying out of development within Zone No 8 (b), the consent authority shall:

- (a) forward particulars of the development application to the National Parks and Wildlife Service, and

Clause 67 Maclean Local Environmental Plan 2001

Part 7 National Parks zone provisions

- (b) take into consideration any representations received from the Director-General of National Parks and Wildlife in respect of the application within 40 days after the forwarding of those particulars to the Service.

Maclean Local Environmental Plan 2001

Heritage items

Schedule 1

Schedule 1 Heritage items

(Clause 7 (1))

- 1 Aboriginal archaeological sites referred to in the Register of Aboriginal Conservation Areas and Relics deposited in the office of the Council.
- 2 The following buildings or other structures:

Item No #	Property description	Heritage item	Ref No*
1	Lot 11, DP 592199, Clarence Street, Brushgrove	Post Office	2
2	Lot 2, Section 10, DP 758172, Clarence Street, Brushgrove	Old Police Station and Residence	3
3	Lot 14, DP 392, Chatsworth Road, Chatsworth Island	Anglican Church	7
4	Lot 11, DP 804169, Chatsworth Road, Chatsworth Island	Residence	8
5	Lot 165, DP 751373, Chatsworth Road, Chatsworth Island	Primary School, Residence	9 10
6	Lot 2, DP 571949, Chatsworth Road, Chatsworth Island	Residence	11
7	Lot 2, DP 223663, Chatsworth Road, Chatsworth Island	Residence	12
8	Lot 1, DP 22413, Chatsworth Road, Chatsworth Island	Residence and shop	13
9	Lot 4, DP 605338, Chatsworth Road, Chatsworth Island	Residence	14
10	Lot 1, DP 818005, Morpeth Street, Harwood	School Residence, School	19 21
11	Lot 1, DP 565575, River Street, Harwood	Residence	22
12	Lot 10, Section 3, DP 758604, Bridge Street, Lawrence	School of Arts Building	29

Page 107

Maclean Local Environmental Plan 2001

Schedule 1 Heritage items

Item No #	Property description	Heritage item	Ref No*
13	Lot 21, DP 839199, Bridge Street, Lawrence	Baptist Church	30
14	Lot 2, Section 63, DP 758604, Farnell Street, Lawrence	Residence	32
15	Lots 6, 7 and 8, Section 16, DP 758604, High Street, Lawrence	Anglican Church	35
16	Lot 1, DP 563060, Church Street, Maclean	Residence	37
17	Lots 6 and 7, Section 5, DP 758631, Church Street, Maclean	Uniting Church	38
18	Lot 2, DP 350425, Woodford Street, Maclean	Residence	39
19	Lot 2, DP 625612, Clarence Street, Maclean	Residence	40
20	Lot 1, DP 417654, Clyde Street, Maclean	Residence (Old Shop)	42
21	Lot 1, DP 501255, Jubilee Street, Townsend	Residence	43
22	Lots 3 and 7, Section 1A, DP 758631, McNaughton Place, Maclean	Court House	44
23	Lot 6, Section 1A, DP 758631, McNaughton Place, Maclean	Police Station	45
24	Lots 3 and 4, Section 1, DP 1666, Oban Street, Maclean	Residence	47
25	Lot 20, DP 333, River Street, Maclean	Offices	49
26	Lot 7, DP 13714, River Street, Maclean	Shop Facade	50

Maclean Local Environmental Plan 2001

Heritage items

Schedule 1

Item No #	Property description	Heritage item	Ref No*
27	Lot 100, DP 711006, River Street, Maclean	Office Building	51
28	Lot 1, DP 177120, River Street, Maclean	Office Building	52
29	Lot 1, DP 774885, River Street, Maclean	Post Office	53
30	Lot 1, DP 799272, River Street, Maclean	Shop and residence	54
31	Lot 1, DP 533016, River Street, Maclean	Residence	56
32	Lot 2, DP 603403, River Street, Maclean	Hotel	59
33	Lot 5, DP 235925, Howard Street, Maclean	Residence	61
34	Lot 1, DP 361835, River Street, Maclean	Residence	63
35	Lot 21, DP 818102, River Street, Maclean	Shop	65
36	Lot 1, DP 302317, River Street, Maclean	Residence	67
37	Lot 101, DP 702870, Short Street, Maclean	Residence	69
38	Lot 86, DP 13075, Short Street, Maclean	Residence	70
39	Lot 4, Section 9, DP 758631, McIntyres Lane, Maclean	Catholic Rectory Catholic Convent Catholic Church	72 74 90
40	Lot 5, DP 593268, Stanley Street, Maclean	Duplex (Old Brewery)	73
41	Lot 2, DP 512409, Woodford Street, Maclean	Residence	77

Maclean Local Environmental Plan 2001

Schedule 1 Heritage items

Item No #	Property description	Heritage item	Ref No*
42	Lot 1, DP 578513, Union Street, Maclean	Old Operating Theatre, Maclean Hospital	78
43	Lot 1, DP 796851, Short Street, Maclean	Baptist Church	80
44	Lot 11, DP 853183, Wharf Street, Maclean	Free Presbyterian Church	82
45	Lot 2, DP 416054, Wharf Street, Maclean	Baptist Manse	83
46	Lot 12, DP 853183, Wharf Street, Maclean	Presbyterian Manse	84
47	Lot 1, DP 204306, Wharf Street, Maclean	Residence	85
48	Lot 8, Section 19, DP 758631, Grafton Street, Maclean	Stone Cottage Museum	86
49	Lot 2, DP 340210, Wharf Street, Maclean	Residence	87
50	Lot 4, Section 11, DP 758631, Wharf Street, Maclean	Anglican Rectory	88
51	Lot 1, DP 796977, Woodford Street, Maclean	Maclean Public School 1902	89
52	Lot 2, DP 718965, River Road, Palmers Island	Residence	95
53	Lot 2, DP 568278, Adams Street, Woombah	Old Woombah School	96A
54	Lot 184, DP 704231, River Street, Yamba	Storey House Museum	101
55	Lot 5, Section 9, DP 759130, Woolli Street, Yamba	Residence and 2 Norfolk Island pine trees (<i>Araucaria heterophylla</i>)	107
56	Lot 25, DP 661428, North Arm Drive, Chatsworth Island	Residence	113

Maclean Local Environmental Plan 2001

Heritage items

Schedule 1

Item No #	Property description	Heritage item	Ref No*
57	Lot 181, DP 751388, James Creek Road, James Creek	Residence Residence	114 115
58	Lot 1, DP 409477, River Road, Palmers Island	Residence	118
59	Lot 20, DP 714069, Yamba Road, Palmers Island	Residence Silo Building	119 120
60	Lot 21, DP 838061, Yamba Road, Palmers Island	Residence (Wynyabbie House)	121
61	Lot 1, DP 109044, Yamba Road, Palmers Island	Residence	122
62	Lot 4, DP 592835, Yamba Road, Palmers Island	Residence	123
63	Lot 187, DP 751388, Yamba Road, Palmers Island	Silo Building	124
64	Lot 1, DP 518888 and Lot 1, DP 232301, Pacific Highway, Tyndale	Residence	126
65	Lot 2, DP 586049, Pacific Highway, Tyndale	Residence	127
66	Lot 2, DP 573649, Pacific Highway, Tyndale	Residence	128
67	Part Lot 131, DP 751373, Warregah Island Road, Warregah Island	Residence	130
68	Lot 141, DP 751373 and Lot 1, DP 958822, Warregah Island Road, Warregah Island	Residence	131
69	Lots 15 and 141, DP 751392, Woodford Dale Road, Woodford	Residence	133
70	Lot 28 and Part Lot 29, DP 751392, South Arm School Road, South Arm	Residence	134

Maclean Local Environmental Plan 2001

Schedule 1 Heritage items

Item No #	Property description	Heritage item	Ref No*
71	Lot 58, DP 751382, Tullymorgan Reserve, Tullymorgan	Buildings and structures	
72		Old bridge over Shark Creek on the Pacific Highway	
73		McFarlane Bridge over South Arm near Maclean	

Note.

Item No # refers to the number used to identify the heritage items on the maps marked "Maclean Local Environmental Plan 2001 (Schedule 1 properties)". The area identified on the maps marked "Maclean Local Environmental Plan 2001 (Schedule 1 properties)" shows the land on which a heritage item is situated. Property descriptions are as at the date of gazettal of *Maclean Local Environmental Plan 2001*. Property descriptions may change over time.

Ref No* refers to the Reference Number given to the building or structure in the *Maclean Shire Local Environmental Study 1989*, under the section "Architectural Heritage".

Maclean Local Environmental Plan 2001

Additional development

Schedule 2

Schedule 2 Additional development

(Clause 22)

Map reference	Land	Development for the purpose of the following:
1	Lot 276, DP 751377, Pringles Way, Lawrence	A dwelling house or 2 attached dwellings
2	Lots 59 and 104, DP 751356, Old Ferry Road, Ashby	A dwelling house or 2 attached dwellings
3	Lot 2, DP 339553, Wooli Street, Yamba	Commercial premises
4	Lot B, DP 333887, Little High Street, Yamba	Shop
5	Lot 138, DP 751395, Wooli Street, Yamba	Funeral parlour
6	Lot 2, DP 520149, Yamba Road, Yamba	Shops
7	Lots 25 and 26, Section 7, DP 566, Richmond Street, Lawrence	Retail plant nursery
8	Lot 30, DP 635326, Havelock Street, Lawrence	Printing shop
9	Lots 8, 9 and 10, Section 3, DP 564 and Lot 111, DP 611537, Bridge Street, Lawrence	Service station and car repair station
10	Lot 8, Section 10, DP 758535, Spenser Street, Iluka	Restaurant
11	Lot 11, Section 10, DP 758535, Spenser Street, Iluka	Fishing tackle shop and take-away food shop

Maclean Local Environmental Plan 2001

Schedule 2 Additional development

Map reference	Land	Development for the purpose of the following:
12	Lot 2, DP 551000, Spenser Street, Iluka	Service station
13	Lot 1, DP 551000, Young Street, Iluka	Shop
14	Lot 22, DP 619756, Rannoch Avenue, Maclean	Sports centre
15	Lot 31, DP 627, Argyle Street, Maclean	Bus depot
16	Lot 2, DP 867018, Church Street, Maclean	Tyre repair business
17	Lot 11, DP 827039, 109–117 River Street, Maclean	Service station and car repair station
18	Lot 1, DP 622022 and Lot Y, DP 414356, 51–55 River Street, Maclean	Commercial fishing activities including, but not limited to, storage and processing of fish
19	Lot 2, DP 387172, 49 River Street, Maclean	Administration in connection with the adjoining commercial fishing activities
20	Lot B, DP 376038, 59 River Street, Maclean	Funeral parlour and mortuary
21	Lot 9, Section 6, DP 759119, Middle Street, Woombah	Bakery and pie manufacturing
22	Lots 1 and 2, Section 6, DP 759119, Adams Street, Woombah	Coffee processing
23	Lot 6, Section 6, DP 759119, Middle Street, Woombah	Coffee plantation and shop

Maclean Local Environmental Plan 2001

Additional development

Schedule 2

Map reference	Land	Development for the purpose of the following:
24	Lot 102, DP 616467, Morpeth Street, Harwood	Open air display of tractors and machinery
25	Lot 4, DP 19456, Lots 5A and 5B, DP 376103, Ocean Street, Yamba	One dwelling house on each allotment

Note. Property descriptions are as at the date of gazettal of *Maclean Local Environmental Plan 2001*. The area identified on the maps marked "Maclean Local Environmental Plan 2001 (Schedule 2 properties)" shows the land to which clause 22 applies. Property descriptions may change over time.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Schedule 3 Exempt development

(Clause 16)

Development consisting of the erection or carrying out of the following:

Access ramps for the disabled

Advertising structures and signs

Note. See in alphabetical order:
 business identification signs
 fascia signs
 real estate signs
 street signs
 temporary signs
 under awning signs

Aerials/antennae/microwave antennae
 (not including satellite dishes—dealt with separately below)

Air conditioning units for dwellings
 (attached to external wall or ground mounted)

Standards for exemption

- Maximum height 1m above ground level.
- Maximum grade 1:14 and otherwise complies with *AS 1428.1-1998—Design for access and mobility—General requirements for access—New building work*.
- Located within the property.
- Structurally adequate construction.

All advertisements (except as otherwise provided in this Schedule)

- The advertisement is within a building including signs behind the glass line of a shop window.
- The advertisement is within a site and is not visible from outside that site.
- Complies with the Council's *Development Control Plan—Outdoor Advertising*.
- Must be attached to a dwelling.
- Maximum height of 3m above the roof line.
- Clearance from power lines in accordance with NorthPower's requirements.
- Located a minimum of 3m off any property boundary.
- Building work must not reduce the structural integrity of the building.
- Any opening created is adequately weatherproofed.
- Noise level to comply with the Environment Protection Authority's *Environmental Noise Control Manual (1994)*.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Standards for exemption

Awnings, canopies and storm blinds on dwellings

- Maximum area 10m².
- Located wholly within property boundaries and within any setbacks applying to the property.

Note. Window awnings/blinds can encroach over building line.

Barbecues

- Maximum area of 2m².
- Maximum height of 2.6m.
- No closer than 1.2m to a property boundary.
- Located in rear yard or no closer to front of property than 900mm behind the dwelling's front alignment.

Bird aviaries
(for domestic purposes only, and not for the keeping of poultry)

- Maximum area 10m².
- Maximum height 2.4m.
- Located in rear yard and no closer than 900mm from an adjoining property boundary.
- Located 3m clear of any adjoining habitable room or dwelling.
- Structurally adequate construction.

Boundary adjustment to rectify an encroachment

- No additional allotments are created.
- No additional dwelling entitlements are created.

Building site sheds, offices and associated amenities buildings

- Erected wholly within the boundaries of the allotment in conjunction with development for which consent has been granted.
- To be removed immediately after completion of the building and prior to occupation.
- The shed, office or other building must not be used for residential purposes or for the storage and handling of inflammable materials.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:**Standards for exemption**

Bus stops and shelters

- Must be suitably designed and constructed by or for the Council.
- Structurally adequate construction.
- Not obstruct the line of sight of vehicular traffic.
- A maximum height of 2.7m above the footpath.
- Have an area of less than 10m².
- Non reflective surface finishes.
- Access to shelter must not include any steps or grade greater than 1:14.

Business identification signs

- Maximum size of 0.75m².
- One advertisement per premises.
- Must be attached to a building or fence or on the boundary.
- Must not be illuminated.
- Must not display a trade name.

Cabanas/gazebos, greenhouses

- Maximum area 10m².
- Maximum height 2.4m.
- Rear of yard only.
- Roofwater to be disposed of without causing nuisance to adjoining properties.

Change of use of a building:
A different use of a building resulting from a change of its use from one type of commercial premises to another type of commercial premises

- There is no net increase in the gross leasable floor area of the building being used for commercial purposes.
- The new use complies with any existing conditions of development consent relating to parking, advertising structures or advertisements and maintenance of landscaping.
- The former use must be an existing legal use.
- No extension of hours outside existing hours of operation.
- The new use does not involve the preparation of food for sale or consumption.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Standards for exemption

Change of use of a building:

A different use of a building resulting from a change of its use from one type of light industry to another type of light industry

- There is no net increase in the gross leasable floor area of the building being used for industrial purposes. The new use complies with any existing conditions of development consent relating to parking, advertising structures or advertisements and maintenance or landscaping.
- The use must be an existing legal use.
- The new use will not result in any premises being used for potentially hazardous or offensive industries as defined by *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.
- The new use does not involve the preparation, packaging or distribution of food for sale or consumption.
- The development complies with the Council's *Development Control Plan for Industrial Development*.

Change of use of a building:

A different use of a building resulting from a change of its use from one type of shop to another type of shop (not a being a shop where food is prepared for sale or consumption)

- There is no net increase in the gross leasable floor area of the building being used for a shop.
- The new use complies with any existing conditions of development consent relating to parking, advertising structures or advertisements and maintenance or landscaping.
- Publications within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are not exhibited or sold.
- Objects primarily concerned with sexual behaviour are not exhibited.

Clothes hoist/lines

- Installed to manufacturer's specifications.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:	Standards for exemption
Decks (unroofed and attached to dwellings)	<ul style="list-style-type: none"> • Maximum area 10m² • Maximum width 1.5m. • Finished surface level not greater than 1m above existing ground level. • Boundary setbacks comply with the Council's <i>Development Control Plan for Residential Development</i>.
Demolition of a building/structure	<ul style="list-style-type: none"> • Consent has been granted to the demolition as it is required or authorised by a condition of development consent, or An order to demolish has been issued by the Council under section 121B of the <i>Environmental Planning and Assessment Act 1979</i>, or Erection of the building to be demolished is exempt development. • Demolition to be carried out in accordance with <i>AS 2601-1991—The demolition of structures</i>. • Any work must comply with WorkCover Authority requirements relating to: <ul style="list-style-type: none"> • work involving the removal of lead, and • avoiding lead contamination from paint. • Work involving asbestos cement is to comply with the WorkCover Authority's <i>Short Guide to Working with Asbestos</i>.
Driveways and pathways other than over public land	<ul style="list-style-type: none"> • Structurally adequate construction on a uniformly stable foundation with adequate reinforcement. • May not be elevated or suspended above natural ground level. • Stormwater not to be directed onto adjoining property. • Must not affect provision of utility services and infrastructure. • Maximum grade does not exceed 25% and a maximum change of grade of 13%.
Fascia signs	<ul style="list-style-type: none"> • Wholly contained within the fascia. • Securely fixed. • Not internally illuminated.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Standards for exemption

Fences:

All fences

- Constructed in accordance with the *Dividing Fences Act 1991* (and if appropriate the *Swimming Pools Act 1992* and regulations under that Act).
- All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage/runoff.

Front boundary fences—those in front of the front building line

- Maximum height 1.2m.
- If corner allotment, fences are not to exceed 900mm in height within 6 metres of the corner boundary of the lot which marks the junction of the 2 streets. The remainder of the street boundary fences are not to exceed 1.2m in height, in the case of the shorter frontage and 1.8m in the case of the longer frontage.
- Structurally stable with adequate footings.
- Designed in accordance with sound engineering principles.

Side and rear boundary fences—those behind the front building line

- Maximum height 1.8m.
- Structurally stable with adequate footings.
- Designed in accordance with sound engineering principles.

Masonry

- Maximum height 1m.
- To comply with relevant standards of Standards Australia.

Electric

- Not to be erected in urban areas or adjoining a public road or place.

Fencing in koala habitat areas

- Designed to allow free passage of ground animals.

Flagpoles

- Maximum height 6m above ground level.
- Must be structurally adequate.
- Installed to manufacturer's specifications.
- Only one per site.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:**Standards for exemption**

Garden sheds

- Maximum floor area 10m².
- Maximum height 2.1m.
- Rear yard only.
- Installed to manufacturer's specifications.
- Roof water is to be disposed of without causing a nuisance to adjoining premises.

Goal posts, sight screens and similar ancillary sporting structures on public sporting or playing fields (excluding grandstands, dressing sheds and other substantial structures)

- Construction by or for the Council and installed in accordance with any relevant standards of Standards Australia and the *Building Code of Australia*.
- Structurally adequate construction.

Home occupation in a dwelling (does not include bed and breakfast accommodation)

- The activity is carried out by a permanent resident of the dwelling.
- The activity does not involve the employment of any persons other than residents of the dwelling.
- No goods are displayed or offered for sale.
- No advertising structures or advertisements are erected other than a business identification sign.

Jetties/wharfs on land within Zone No 1 (w) or 2 (a) being Council or private waterways within the Yamba canal estates

- Structurally adequate construction.
- Maximum jetty length 8m, maximum jetty and pontoon length—13m, maximum pontoon width 5m.
- Compliance with requirements of:
 - (a) Department of Land and Water Conservation,
 - (b) Waterways Authority,
 - (c) NSW Fisheries,
 where applicable.
- In Council owned waterways, a Council licence is in force for the structure.

Letter box (free standing or in "banks")

- Maximum height of 1.2m above ground level.
- Sufficient boxes to provide one for each occupation of the premises.
- Appropriate numbering for each one to be visible from street alignment.
- Structurally stable with adequate footings.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Standards for exemption

Minor internal alterations to:

- | | |
|--|---|
| <p>(a) domestic single dwellings</p> | <ul style="list-style-type: none"> • Non-structural work only, such as: <ul style="list-style-type: none"> • replacement of doors, wall, ceiling or floor linings, or deteriorated frame members, with equivalent or improved quality materials, • renovations of bathrooms or kitchens or inclusion of built-in fixtures, such as vanities, cupboards and wardrobes. • Applies only to alterations or renovations to previously completed buildings. • Work not to include changes to the configuration of rooms whether by removal of existing walls or partitions or by other means. • Work not to cause reduced window arrangements for light or ventilation, reduced doorways for egress purposes or involve enclosure of open areas. |
| <p>(b) commercial/industrial premises (does not include premises used for the preparation of food for sale or consumption)</p> | <ul style="list-style-type: none"> • Non-structural work such as shelving or displays or benches or partitions that do not provide structural support to any part of the building. • Existing floor area of commercial building not to exceed 200m². • Existing floor area of industrial building not to exceed 500m². • Work must not compromise fire safety or affect accessibility to a fire exit. • Work must not include changes to the configuration of rooms whether by removal of walls or other means of structural support. • Use must be an existing legal use. • Does not involve plumbing or drainage works. <p>Note. The WorkCover Authority has advised that:</p> <ul style="list-style-type: none"> • care should be taken in work involving the removal of lead paint to avoid lead contamination, • work involving asbestos cement is to comply with the WorkCover Authority's <i>Short Guide to Working with Asbestos</i>. |

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:

Park and street furniture, seats, bins, picnic tables, minor shelters (not including bus shelters) on land under the control of the Council

- Construction by or for the Council and designed, fabricated and installed in accordance with relevant standards of Standards Australia and the *Building Code of Australia*.
- Land under the control of the Council.
- Where applicable, to be in accordance with any streetscape plans adopted by the Council.

Pergola (open roof and sides)

- Maximum area 20m².
- Maximum height 2.4m.
- Minimum side or rear boundary setback of 900mm.
- Located behind the front building line.
- Maximum of 1 per dwelling.

Playground equipment (including cubby houses—see below) non-commercial use

Residential use

- Maximum height of 2.1m.
- Maximum ground coverage of 10m².

Non-residential use

- Maximum height of 2.1m.
- Maximum ground coverage of 10m².

All equipment

- Must be installed in accordance with manufacturer's specifications and comply with relevant Australian Standards (*AS 1924.1-1981, AS 1924.2-1981, AS/NZS 4422:1996 and AS/NZS 4486.1:1997*).

Cubby houses

- Maximum height of 2.1m.
- Maximum area 10m².
- Installed to manufacturer's specifications.
- Structurally adequate construction on a uniformly stable foundation.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:**Standards for exemption**

Real estate sign on land for sale or lease

- For sale advertisement—maximum size: 1.5m x 1.0m.
- Auction advertisements—maximum size: 1.5m x 2.0m.
- On commercial or industrial premises—maximum size: 2.5m x 2.0m.
- Holiday letting agent advertisements—as per requirements for a business identification sign.

Recladding of roofs or walls (or repair/maintenance of damaged materials)

- Replace existing materials with similar materials.
- Recladding not to involve structural alterations.
- Must comply with WorkCover Authority requirements regarding the removal of any lead paint.
- Any works involving asbestos cement must comply with the WorkCover Authority's *Short Guide to Working with Asbestos*.

Retaining walls (located at least 1m inside property boundaries)

- Maximum height 600mm.
- Masonry walls to comply with: *AS 3700-1998—Masonry structures*, *AS 3600-1994—Concrete structures*, *AS 1170.1-1989*, *AS 1170.2-1989* and *AS 1170.4-1993—Loading Code*.
- Timber walls to comply with: *AS 1720.1-1997*, *AS 1720.2-1990* and *AS 1720.4-1990—Timber structures*, *AS 1170.1-1989*, *AS 1170.2-1989* and *AS 1170.4-1993—Loading Code*.
- All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.
- Adequate drainage lines to be provided behind wall.
- Footings in proximity to sewer main or easement for stormwater to comply with the Council's policies.

Satellite dishes

- For domestic use only.
- Up to 600mm in diameter.
- Not to protrude above roof ridge line.
- Located at the rear of the premises.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:**Standards for exemption**

Skylight roof windows—non-opening (including solartube or similar type installation)

- Maximum area of skylight 1m².
- Not more than one installation per 25m² of roof area.
- Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings.
- The building work must not reduce the structural integrity of the building or involve structural alterations.
- Any opening created by the installation to be adequately waterproofed.
- Installation to manufacturer's specifications.

Solar water heaters

- Installed to manufacturer's specifications and requirements.
- Installed by a licensed tradesperson.
- The building work must not reduce the structural integrity of the building or involve structural alterations.
- Any opening created by the installation must be adequately waterproofed.
- Installations must be flush with a roof alignment.

Street signs comprising name plates, directional signs and advance traffic warning signs

- Construction by or for the Council.
- Must be structurally sound.
- To be designed, fabricated and installed in accordance with the relevant standards of Standards Australia.

Temporary sign

- The sign is not erected over a public road.
- The sign is for a religious, social, cultural, educational or recreational event.
- No commercial advertising other than the sponsor's name (max 25% of sign area for this purpose).
- Is displayed no earlier than 42 days before the event and is removed within 7 days after the event.

The use of a building for public meetings

- The building is a Class 9b building under the *Building Code of Australia*.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Standards for exemption

Under awning signs

- Maximum size of 2.5m x 0.5m.
- Tops and bottom edges horizontal to the ground with a 2.6m clearance.
- Not to extend beyond awning.
- Securely fixed.
- May be illuminated.

Water heaters (excluding solar systems)

- Replacement or new installations.
- Installed by a licensed tradesperson.
- The building work must not reduce the structural integrity of the building or involve structural alterations.

Maclean Local Environmental Plan 2001

Schedule 3 Exempt development

Development consisting of the erection or carrying out of the following:

Water tanks at or above ground level in:

Standards for exemption*General Standards (Rural Areas and Urban Areas)*

- Tank stand is not to rest on footing of building or rely upon wall for support.
- Not to be installed where water is for drinking purposes and the collecting roof has lead flashings.
- Where reticulated water provided, tank shall not be interconnected with any systems supplying drinking water unless fitted with mechanical backflow prevention devices in accordance with AS/NZS 2845.1:1998, AS 2845.2-1996 and AS 2845.3-1993.
- All tank/tank stand installations to be structurally sound and comply with manufacturer's and/or designer's specifications.
- Protection to prevent entry of foreign/animal matter and to preclude or discourage mosquitoes.

(a) rural areas (land within Zone No 1 (a), 1 (b), 1 (i), 1 (r), 1 (s) or 1 (t)), or

Additional Standards (Rural Areas)

- Maximum 40,000 litre capacity per tank.
- Maximum height of 2.4m.
- Situated no closer to a street than an associated dwelling.

(b) urban areas (land within Zone No 2 (a), 2 (b), 2 (t), 3 (a) or 4 (a))

Additional Standards (Urban Areas)

- Maximum installed height above ground level of 1.8m, including any stand (maximum stand height of 450mm).
- Maximum storage capacity of 10,000 litres.
- Located in the rear yard/or no closer to the street than the front alignment of a dwelling.
- Overflow to be connected to stormwater system and not cause a nuisance to neighbours.
- Any associated pump is not to create a noise nuisance to adjoining residents.

Maclean Local Environmental Plan 2001

Exempt development

Schedule 3

Development consisting of the erection or carrying out of the following:

Windows, glazed areas and external doors

Standards for exemption

- Replacement in residential premises with materials that comply with:
 - (a) *AS 2047-1999—Windows in buildings—Selection and installation,*
 - (b) *AS/NZS 2208:1996—Safety glazing materials in buildings.*
- No reduction in the area provided for light and ventilation.
- Structural support members are not removed.

Maclean Local Environmental Plan 2001

Schedule 4 Complying development

Schedule 4 Complying development

(Clause 17)

Development consisting of the erection or carrying out of the following:

Advertising structures and advertisements on land within Zone No 4 (a)

Bed and breakfast accommodation ie the use of an existing lawfully constructed single detached dwelling on a single lot by its permanent residents for the temporary accommodation of visitors for commercial purposes on land zoned 1 (a), 1 (b), 1 (i), 1 (r), 1 (s), 1 (t), 2 (a), 2 (b), 2 (t), 3 (a) or 7 (e)

Boundary adjustment in:

(a) rural areas (land zoned 1 (a), 1 (b), 1 (i), 1 (r), 1 (s) or 1 (t))

Standards for compliance

- Meets the requirements of the Council's *Development Control Plan—Outdoor Advertising*, as in force on the appointed day.
- Access to the building is obtained via a road other than the Pacific Highway.
- A maximum of three bedrooms is used as guest accommodation.
- A minimum of one bathroom is provided for every two bedrooms (or part thereof) used as guest accommodation.
- Installation of a smoke detection system that complies with *AS 3786-1993—Smoke alarms* and *AS/NZS 3000:2000—Electrical installations* (known as the *Australian/New Zealand Wiring Rules*).
- A fire extinguisher and fire blanket in the kitchen.
- No additional allotments are created.
- No additional dwelling entitlements are created.
- Any proposed boundaries are located a minimum of 6m from any existing on-site effluent disposal areas.
- No more than 10% variation in allotment areas.
- Front building alignment is maintained as existing or minimum 10m.

Maclean Local Environmental Plan 2001

Complying development

Schedule 4

Development consisting of the erection or carrying out of the following:

- (b) urban areas (land zoned 2 (a), 2 (b), 2 (t), 3 (a), 4 (a), 5 (a), 6 (a), 6 (b), 6 (c) or 7 (e))

Standards for compliance

- No additional allotments are created.
- No additional dwelling entitlements are created.
- A minimum side setback of 0.9m and a minimum rear setback of 3m is maintained between the proposed boundary and any single storey dwelling.
- A minimum side setback of 1.5m and a minimum rear setback of 3m is maintained between the proposed boundary and any two storey dwelling to a height of 12m.
- A minimum side setback of 3m and a minimum rear setback of 3m is maintained between the proposed boundary and any dwelling in excess of 12m in height.
- Any proposed boundaries are located a minimum of 6m from any existing on-site effluent disposal areas.
- Is consistent with any existing consents applying to the land.

Dual occupancies, duplexes and extensions

- Dual occupancy dwellings in Zone No 2 (a), 2 (b) or 2 (t), or
- Alterations and additions, carports, garages and ancillary or incidental buildings in Zone No 1 (r), 1 (s), 2 (a), 2 (b) or 2 (t):

Maclean Local Environmental Plan 2001

Schedule 4 Complying development

Development consisting of the erection or carrying out of the following:

(a) in any of those zones

Standards for compliance*General standards*

- Minimum area of allotment is 560m² in the 2 (b) and 2 (t) zones, and 800m² in the 2 (a) zone.
- The development complies with the Council's *Development Control Plan for Residential Development*, as in force on the appointed day.
- A proposed dual occupancy is connected to the Council's sewerage system.
- The floor levels of dwellings and extensions to habitable areas shall comply with the Council's *Floodplain Development Manual*, the Council's draft *Floodplain Management Manual*, as in force on the appointed day, and clause 2.F.3 of the Council's *Local Approvals Policy*, as amended on 13 May 1998.
- The maximum height of dwellings is one storey ie no greater than 6.5m at the ridge and 4m at the top plate.
- The minimum rear setback of the building shall be 3m or the setback indicated on the map attached to any development control plan applying to the land or setback indicated on any specific consent or approval for a subdivision.
- The minimum front building alignment is 6m or the setback indicated on the map attached to any development control plan applying to the land and, for corner allotments a minimum setback of 3.5m to the secondary frontage.
- The external wall of each dwelling, including the leading edge of any balcony, terrace, deck or the like, shall be set back a minimum 900mm from the side boundary (excluding encroachments permitted under 3.7.1.7, or open carports under 3.7.1.6 in Volume 1A of the *Building Code of Australia*).
- Balconies, terraces, decks and the like greater than 1m above existing ground level and setback between 900mm and 1500mm from the side boundary must be provided with a minimum 1.5m high privacy screen.

Maclean Local Environmental Plan 2001

Complying development

Schedule 4

Development consisting of the erection or carrying out of the following:

Standards for compliance

- Detached ancillary buildings are to have a minimum side and rear boundary clearance of 600mm and are to comply with Part 3.7.1 in Volume 1A of the *Building Code of Australia* (if applicable).
- The maximum height of the external walls (not including gables) of detached ancillary buildings is not to exceed 2.7m from natural ground level to the underside of the eaves and 3.6m to the top of the roof ridgeline.
- The maximum area of detached ancillary buildings shall be 54m².
- Carports and garages facing a public street or accessway must not be more than 8.6m, or 50% of the frontage, wide whichever is the lesser.
- Buildings with slab on ground construction shall not exceed a maximum cut and fill of 1m measured vertically above the natural ground level 1m outside the perimeter of the external walls of the building. This does not apply to buildings where the cut and fill is fully retained within or by the external walls of the building.
- Compliance with the *Strata Schemes Management Act 1996* (if applicable).
- Stormwater from the building and surface water from the land surrounding any structures must be diverted to the street drainage system or an easement to drain water.

Maclean Local Environmental Plan 2001

Schedule 4 Complying development

Development consisting of the erection or carrying out of the following:**Standards for compliance**

- | | |
|---|--|
| (b) in urban residential areas (land zoned 2 (a)) | <p><i>Additional standards (Zone No 2 (a))</i></p> <ul style="list-style-type: none"> • Minimum allotment area of 800m². • Minimum landscaped area of the site shall be 45%. |
| (c) in urban residential areas (land zoned 2 (b) and 2 (t)) | <p><i>Additional standards (Zones Nos 2 (b) and 2 (t))</i></p> <ul style="list-style-type: none"> • Minimum landscaped area of the site shall be 35%. |
| (d) in rural residential areas (land zoned 1 (r) and 1 (s)) | <p><i>Additional standards (Zones Nos 1 (r) and 1 (s))</i></p> <ul style="list-style-type: none"> • No structure is to be constructed down slope nor within 6m of any on-site effluent disposal system. |

Dwelling houses and extensions

- Detached dwellings in Zone No 2 (a), 2 (b) or 2 (t), or
- Alterations and additions, carports and garages and ancillary or incidental development in Zone No 1 (r), 1 (s), 2 (a), 2 (b) or 2 (t):

Maclean Local Environmental Plan 2001

Complying development

Schedule 4

Development consisting of the erection or carrying out of the following:

Standards for compliance

(a) in any of those zones

General standards

- Minimum area of allotment is 560m².
- The proposed dwelling is being connected to the Council's sewerage system.
- The development complies with the Council's *Development Control Plan for Residential Development*, as in force on the appointed day.
- The floor levels of dwellings and extensions shall comply with the Council's *Floodplain Development Manual*, the Council's draft *Floodplain Management Manual*, as in force on the appointed day, and clause 2.F.3 of the Council's *Local Approvals Policy*, as amended on 13 May 1998.
- The maximum height of the dwellings is one storey ie no greater than 6.5m at the ridge and 4m at the top plate.
- The minimum rear setback of the building shall be 3m or the setback indicated on the map attached to any development control plan applying to the land or the setback indicated on any specific consent or approval for a subdivision.
- The minimum front building alignment is 6m or the setback indicated on the map attached to any development control plan applying to the land and, for corner allotments, a minimum setback of 3.5m to the secondary frontage.
- The external wall of the dwelling, including the leading edge of any balcony, terrace, deck or the like, shall be set back a minimum 900mm from the side boundary (excluding encroachments permitted under 3.7.1.7, or open carports under 3.7.1.6, in Volume 1A of the *Building Code of Australia*).

Maclean Local Environmental Plan 2001

Schedule 4 Complying development

Development consisting of the erection or carrying out of the following:**Standards for compliance**

- Balconies, terraces, decks and the like greater than 1m above existing ground level and setback between 900mm and 1500mm from the side boundary must be provided with a minimum 1.5m high privacy screen.
- Detached ancillary buildings are to have a minimum side and rear boundary clearance of 600mm and are to comply with Part 3.7.1 in Volume 1A of the *Building Code of Australia* (if applicable).
- The maximum height of the external walls (not including gables) of detached ancillary buildings is not to exceed 2.7m from natural ground level to the underside of the eaves and 3.6m to the top of the roof ridgeline.
- The maximum area of detached ancillary buildings shall be 54m².
- Carports and garages facing a public street or accessway must not be more than 6.3m, or 50% of the frontage, wide whichever is the lesser.
- Buildings with slab on ground construction shall not exceed a maximum cut and fill of 1m measured vertically above the natural ground level 1m outside the perimeter of the external walls of the building. This does not apply to buildings where the cut and fill is fully retained within or by the external walls of the building.
- Stormwater from the building and surface water from the land surrounding any structures must be diverted to the street drainage system or an easement to drain water.

(b) in rural residential areas (land zoned 1 (r) and 1 (s))

Additional standards (Zones Nos 1 (r) and 1 (s))

- No structure is to be constructed down slope nor within 6m of any onsite effluent disposal system.

Maclean Local Environmental Plan 2001

Complying development

Schedule 4

Development consisting of the erection or carrying out of the following:

Standards for compliance

Granny flat

A second dwelling on a lot attached to an existing dwelling in Zone No 2 (a), 2 (b) or 2 (t)

- The development complies with the Council's *Development Control Plan for Residential Development*, as in force on the appointed day.
- Floor area is less than 60m².
- The property is connected to the Council's sewerage system.

New use of a building resulting from change of use of a building on land zoned 2 (t), 3 (a) or 4 (a).
A different use of a building resulting from a change of its use from a lawfully used shop that is not a food shop (a shop where food is prepared for sale or consumption) to a food shop

- There is no net increase in the gross leasable floor area of the building being used for commercial purposes.
- The shop fit-out complies with the requirements of the *Food Act 1989* and the *National Code for the Construction and Fitout of Food Premises*.
- The building complies with any existing conditions of development consent relating to parking, advertising structures or advertisements.

New use of a building resulting from change of use of a building on land zoned 2 (t), 3 (a) or 4 (a) from a lawfully used shop to an office or from a lawfully used office to a shop

- There is no increase in the total floor area of the building.

Subdivision that:

- (a) opens or widens a public road, or
- (b) makes a minor adjustment to a boundary between allotments which does not involve the creation of an additional dwelling entitlement, or
- (c) creates a public reserve, or
- (d) consolidates allotments, or
- (e) excises land which is or is intended to be used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences.

- Is consistent with any existing consents applying to the land.

Maclean Local Environmental Plan 2001

Schedule 4 Complying development

Development consisting of the erection or carrying out of the following:

Strata subdivision

Swimming pools, ancillary to a dwelling, for private use only, and on lots over 450m²**Standards for compliance**

- Separate services are provided to each residence.
- The pool is not between the dwelling and the primary street frontage.
- All coping or decking around the pool is not more than 500mm above the natural ground level.
- The pool water line is at least 1.5m from the side and rear boundaries.
- The noise level of any filtration equipment or pumps does not exceed 5dB(A) above the ambient background level measured at the property boundary.
- All aspects of the pool and surrounding structures comply with the *Swimming Pool Act 1992* and regulations made under that Act and *AS 1926-1986-Fences and Gates for Private Swimming Pools, AS/NZS 1838:1994-Swimming pools-Premoulded fibre-reinforced plastics-Design and fabrication* and *AS/NZS 1839:1994-Swimming pools-Premoulded fibre-reinforced plastics-Installations* or *AS 2783-1992-Use of reinforced concrete for small swimming pools*.
- In unsewered areas, the pool is not to be located downslope nor within 6 metres of any onsite effluent disposal area.

Note. A separate approval is required for disposal of swimming pool waste water in unsewered areas.

Maclean Local Environmental Plan 2001

Classification and reclassification of public land as operational land

Schedule 5

Schedule 5 Classification and reclassification of public land as operational land

(Clause 23)

Palmers Island

Lot 3, DP 603599, fronting the Clarence River, as shown by heavy black edging on the map marked "Maclean Local Environmental Plan 1992 (Amendment No 26)".

Pittwater Local Environmental Plan 1993 (Amendment No 50)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S93/00343/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 3 May 2001.

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 50)

Pittwater Local Environmental Plan 1993 (Amendment No 50)

1 Name of plan

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 50)*.

2 Aim of plan

This plan removes the suspension that would otherwise apply to certain covenants, agreements and similar restrictions on the title of land within the area of Pittwater to which the Council of Pittwater is a party or that otherwise benefit the Council.

3 Land to which plan applies

This plan applies to all land within the area of Pittwater.

4 Amendment of Pittwater Local Environmental Plan 1993

Pittwater Local Environmental Plan 1993 is amended by omitting clause 39 and by inserting instead:

39 Suspension of covenants etc

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.
- (2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(Q00/00017/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 3 May 2001.

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)

Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Residential, partly Business, partly Special Uses and partly Open Space to the Rural Zone under *Wagga Wagga Local Environmental Plan 1985*.

3 Land to which plan applies

This plan applies to land situated in the City of Wagga Wagga, being Lot 1, DP 220275 and part of Lots 1–4, DP 700660, East Street, Wagga Wagga and part of Lot 4, DP 700113, part of Lot 76, DP 583354 and part of Lot 2, DP 730383, Bomen Road, Wagga Wagga, as shown edged heavy black on the map marked “Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)” deposited in the office of the Council of the City of Wagga Wagga.

4 Amendment of Wagga Wagga Local Environmental Plan 1985

Wagga Wagga Local Environmental Plan 1985 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Wagga Wagga Local Environmental Plan 1985 (Amendment No 41)

Roads and Traffic Authority

ROADS ACT 1993

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

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

WILL MARSH,
Manager, Engineering Services
Council of City of Botany Bay
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Botany Bay City Council B-Double Notice No. 1/ 2001.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 May 2002 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Botany Bay City Council

Type	Road	Starting point	Finishing point
25	Right turn from Botany Rd, via Hills St, McPherson St to Maritime Container Services, exit via McPherson St, Exell St, left turn to Botany Rd.	Botany Rd	Botany Rd

ROADS ACT 1993

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

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

B. CARTER,
Acting Director Operations
for S. C. McGrath, General Manager
Singleton Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Singleton Shire Council B-Doubles Notice No.4 2001.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until it is amended or repealed.

4. Application

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

5. Routes**B-Doubles routes within the Singleton Shire Council**

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25		Maison Dieu Rd.	New England H'way.	Magpie St.	
25		Magpie St.	Maison Dieu Rd.	No. 2 Magpie St.	

ROADS ACT 1993

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

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

PETER STRAW,
General Manager,
Armidale Dumaresq Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Armidale Dumaresq Council B-Doubles Notice No 01/2001.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 1 May 2006 unless it is amended or repealed earlier.

4. Application

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

5. Routes**B-Double routes within the Armidale Dumaresq Council area**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25m	Local	Barney Street, Armidale	Dangar Street	Niagara Street	
25m	Local	Niagara Street, Armidale	Barney Street	Cluny Road	
25m	Local	Madgewick Drive, Armidale	Cluny Drive	Armidale Kleenheat University SNG Depot	
25m	Local	Allingham Street, Armidale	Barney Street	Armidale Kleenheat Gas Depot	

Sydney Water

SEWER MAINS

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF LIVERPOOL, AT WEST HOXTON: Contract Number 971771S9, Project Number 3001697. Lines 1-5, inclusive and its appurtenant junctions, sidelines and inlets serving CARMICHAEL SR. and RIDGEWAY CL.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

KEVIN HASTIE,
Developer Activity Officer
Liverpool Commercial Centre

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF BLACKTOWN, AT ROOTY HILL: Contract Number 965971SA, Project Number 3000512. Line 1 to 2, inclusive and its appurtenant junctions, sidelines and inlets serving LOTS 404 to 408 BRUSSELLS CRESCENT.

CITY OF BLUE MOUNTAINS, AT GLENBROOK: Contract Number 483355F8, Project Number 3001910. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving LOTS 21 to 22 BROOKDALE TERRACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer
Blacktown Commercial Centre

11th May 2001.

SYDNEY WATER

Sewer mains

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Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF FAIRFIELD, AT CABRAMATTA: Contract Number 967452S8 PROJECT NUMBER 3001257. Line 1, and sidelines 1 to 2, inclusive, and its appurtenant junctions, sidelines and inlets serving LONGFIELD STREET, CUMBERLAND STREET, CURTIN STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

G. MAIMONE,
Developer Activity Officer
Liverpool Commercial Centre

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF SHELLHARBOUR, AT BLACKBUTT: (Project 50131/18 Precinct 18) Contract Number 970343S1, Project Number 3001703. Lines 1-2, inclusive and their appurtenant junctions, sidelines and inlets serving WILLINGA ROAD, ADAM MURRAY WAY, MUNMORAH WAY.

KIAMA MUNICIPALITY, AT KIAMA: Contract Number 970381S3, Project Number 3001648. Sideline 1, inclusive and its appurtenant junctions, sidelines and inlets serving GWINGANNA AVENUE.

CITY OF SHELLHARBOUR, AT FLINDERS (LAKEVIEW ESTATE PRECINCT 17): Contract Number 970192S0, Project Number 3001189. Lines 1-2, inclusive and their appurtenant junctions, sidelines and inlets serving WILLINGA ROAD, ADAM MURRAY WAY.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARGARET McTAINSH,
Developer Activity Officer
Illawarra

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

AUBURN COUNCIL, AT LIDCOMBE: Contract Number 955420S3; Project Number 371342. Sideline 1 inclusive and its appurtenant junctions sideline and inlets serving PARRAMATTA ROAD.

BANKSTOWN COUNCIL, AT REVESBY: Contract Number 969304S9; Project Number 3001059. Line 1 inclusive and its appurtenant junctions sideline and inlets serving THE RIVER ROAD and EDINBURGH DRIVE.

CANTERBURY COUNCIL, AT ROSELANDS: Contract Number 970156S8; Project Number 3001676. Line 1 inclusive and its appurtenant junctions sideline and inlets serving HIGHLAND AVENUE and FARNHAM AVENUE.

CONCORD COUNCIL, AT CONCORD: Contract Number 945058S0; Project Number 380782. Line 1, and Sideline 1 inclusive and its appurtenant junctions sidelines and inlets serving CAVELL AVENUE.

HURSTVILLE COUNCIL, AT HURSTVILLE: Contract Number 959243S0; Project Number 3001319. Line 1 inclusive and its appurtenant junctions sidelines and inlets serving WOIDS AVENUE.

HURSTVILLE COUNCIL, AT LUGARNO: Contract Number 967900S3; Project Number 3000861. Line 1 inclusive and its appurtenant junctions sidelines and inlets serving FOREST ROAD and HILLCROSS STREET.

HURSTVILLE COUNCIL, AT OATLEY: Contract Number 952281S6; Project Number 380975. Sideline 1 inclusive and its appurtenant junctions sideline and inlets serving DOUGLAS HAIG STREET.

KOGARAH COUNCIL, AT SANS SOUCI: Contract Number 966296S6; Project Number 3000140. Sideline 1 inclusive and its appurtenant junctions sideline and inlets serving NELSON STREET and PLIMSOLL STREET.

RANDWICK COUNCIL, AT MALABAR: Contract Number 959646S7; Project Number 381461. Sideline 1 inclusive and its appurtenant junctions sideline and inlets serving VICTORIA STREET and VICTORIA LANE.

SOUTH SYDNEY COUNCIL, AT WATERLOO: Contract Number 96608S2; Project Number 3001259. Line 1 inclusive and its appurtenant junctions sideline and inlets serving BOURKE STREET, SHORT STREET and POWELL STREET.

SOUTH SYDNEY COUNCIL, AT SURRY HILLS: Contract Number 955797S5; Project Number 3000266. Line 1 inclusive and its appurtenant junctions sideline and inlets serving ALBION STREET, CRAWFORD STREET and LITTLE ALBION.

WOOLLAHRA COUNCIL, AT PADDINGTON: Contract Number 955631S4; Project Number 381193. Line 1 to Line 11, Sideline 1 to Sideline 13 inclusive and its appurtenant junctions sidelines and inlets serving OXFORD STREET, BRODIE STREET, BROWN STREET, GLENMORE ROAD, BEGG LANE and YOUNG STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

GERRY DACOCO,
Developer Activity Officer

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF FAIRFIELD, at FAIRFIELD EAST: Contract Number 971948 S4, Project Number 3001955. P.C.S. 1, inclusive and its appurtenant junctions, sidelines and inlets serving HERCULES STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MITKO BALALOVSKI,
Developer Activity Officer
Urban Development
Liverpool Regional Office

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF LIVERPOOL, AT CASULA: Contract Number 971851S4, Project Number 3001815. Property connection sewer line 1, inclusive and its appurtenant junctions, serving GASCOGNE STREET and SKIPTON LANE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VALDIS VIKSNE,
Developer Activity Officer
Liverpool Commercial Centre

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY/MUNICIPALITY OF HORNSBY, AT EPPING: Contract Number 972569S1, Project Number 3001825. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving YORK STREET.

CITY/MUNICIPALITY OF HORNSBY, AT CHERRYBROOK: Contract Number 960303S4, Project Number 3000243. Line 1 and line 2, inclusive and their appurtenant junctions, sidelines and inlets serving ELABANA CRESCENT.

CITY/MUNICIPALITY OF WARRINGAH, AT NORTH CURL CURL: Contract Number 959007S6, Project Number 353414. Sideline 1, inclusive and its appurtenant junctions, sidelines and inlets serving ABBOTT ROAD.

CITY/MUNICIPALITY OF PITTWATER, AT WARRIEWOOD: Contract Number 965687S1, Project Number 3001746. Line 1 to line 4 and property connection sewer line 1, inclusive and their appurtenant junctions, sidelines and inlets serving LEWIS CLOSE and FUT ROAD.

CITY/MUNICIPALITY OF NORTH SYDNEY, AT NEUTRAL BAY: Contract Number 972496S9, Project Number 3001709. Line 1 to line 2 and property connection sewer line 1, inclusive and their appurtenant junctions, sidelines and inlets serving SHELLCOVE ROAD.

CITY/MUNICIPALITY OF BURWOOD, AT BURWOOD: Contract Number 972389SB, Project Number 3001838. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving GORDON STREET.

CITY/MUNICIPALITY OF KU-RING-GAI, AT TURRAMURRA: Contract Number 969997, Project Number 3001744. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving DUFF STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer
Chatswood

11th May 2001.

SYDNEY WATER

Sewer mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF BLACTOWN, AT HOLROYD: Contract Number 966945s8, Project Number 3000610. Lines 1 to 3 inclusive and their appurtenant junctions, sidelines and inlets serving BLUEBERRY GROVE and MEURANTS LANE.

CITY OF BLACTOWN, AT GLENWOOD: Contract Number 966916s7, Project Number 3000859. Lines 1 to 3 inclusive and their appurtenant junctions, sidelines and inlets serving MATLOCK PLACE, VALIS ROAD and MALVERN ROAD.

CITY OF BLACTOWN, AT KELLYVILLE: Contract Number 967071sb, Project Number 3000795. Lines 1 to 5 and property connection sewer 1 inclusive and their appurtenant junctions, sidelines and inlets serving QUEEN STREET, MARCUS AVENUE, REDDEN DRIVE and POOLE ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer

11th May 2001.

WATER MAINS**SYDNEY WATER**

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF LIVERPOOL, AT WEST HOXTON: Contract Number 971771W1, Project Number 1000739. Water mains are now laid and capable of serving identified properties in CARMICHAEL SR. and RIDGEWAY CL.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

KEVIN HASTIE,
Developer Activity Officer
Liverpool Commercial Centre

11th May 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

WOOLLAHRA COUNCIL, AT PADDINGTON: Contract Number 955631W8; Project Number 180026. Watermains are now laid and shown on said plan and capable of serving the properties in OXFORD STREET, BRODIE STREET, BROWN STREET, GLENMORE ROAD, BEGG LANE and YOUNG STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

GERRY DACOCO,
Developer Activity Officer

11th May 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF SHELLHARBOUR, AT FLINDERS (LAKEVIEW ESTATE PRECINCT 17): Contract Number 970182W4, Project Number 1000493. Water mains are now laid and capable of serving identified properties in WILLINGA ROAD, ADAM MURRAY WAY.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARGARET McTAINSH,
Developer Activity Officer
Illawarra

11th May 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY/MUNICIPALITY OF HORNSBY, AT BEROWRA HEIGHTS: Contract Number MX428396F6, Project Number 1000743. Water mains are now laid and capable of serving identified properties in PATRICK PLACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer
Chatswood

11th May 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF BLACKTOWN, AT GLENWOOD: Contract Number 966945w0, Project Number 1000265. Water mains are now laid and capable of serving identified properties at BLUEBERRY GROVE.

CITY OF BLACKTOWN, AT GLENWOOD: Contract Number 966945w0, Project Number 7000021. Recycled water mains are now laid and capable of serving identified properties at BLUEBERRY GROVE.

CITY OF BLACKTOWN, AT GLENWOOD: Contract Number 966916w9, Project Number 1000386. Water mains are now laid and capable of serving MATLOCK PLACE and VALIS ROAD.

CITY OF BLACKTOWN, AT GLENWOOD: Contract Number 966916w9, Project Number 7000042. Recycled water mains are now laid and capable of serving MATLOCK PLACE, VALIS ROAD and MALVERN ROAD.

*SHIRE OF BAULKHAM HILLS, AT CASTLE HILL:
Contract Number 963980wb, Project Number
1000664. Water mains are now laid and capable of
serving identified properties at KINGUSSIE AVENUE.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer

11th May 2001.

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Exemption of Aboriginal Land from the Payment of Rates

I, the Honourable ANDREW JOHN REFSHAUGE, M.P., Minister for Aboriginal Affairs, being of the opinion that special circumstances exist which warrant my doing so, DECLARE in pursuance of the provisions of section 43 of the Aboriginal Land Rights Act 1983, that the lands described in the Schedule below and vested in the Deniliquin Local Aboriginal Land Council, be exempt from payment of rates under the Local Government Act 1993.

ANDREW JOHN REFSHAUGE, M.P.,
Minister for Aboriginal Affairs

SCHEDULE

LGA – Deniliquin Council

Being

Lot 176	DP 47905	at	Fitzroy St
Lot 39/40	DP 75632	at	Ochertyre St
Lot 512	DP 728946	at	Cemetery Road
Lot 514	DP 728946	at	Salesyard Road
Lot 106	DP 756310	at	Evans St
Lot 29	DP 756325	at	153 Macauley St
Lot 30	DP 756325	at	155 Macauley Street
Lot 31	DP 756325	at	Macauley Street
Lot 32	DP 756325	at	Macauley Street
Lot 33	DP 756325	at	Macauley Street
Lot 19	DP 758782	at	Albert St
Lot 529	DP 822986	at	Barham Road

ANTI-DISCRIMINATION ACT 1977

Exemption Order

Under the provisions of section 126 of the Anti-Discrimination Act 1977 and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977 for Penrith City Council to designate and recruit for two positions as Child Care Assistants as positions for Indigenous people.

This exemption will remain in force for a period of ten years from the date given.

Dated this 8th day of May 2001.

BOB DEBUS, M.P.,
Attorney General

ASSOCIATIONS INCORPORATION ACT 1984

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

TAKE NOTICE that the company TIsHUG (Australia) Limited (ACN 003 374 383) formerly registered under the provisions of the Corporation Law is now incorporated under the Associations Incorporation Act 1984 as TIsHUG (Australia) Incorporated effective 8 May 2001.

D B O'CONNOR,
Director-General
Department of Fair Trading

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact — Order

I, the Honourable Bob DEBUS, Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve the Sutherland Shire Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 11 May 2001 and remains in force until 10 May 2004.

Signed at Sydney, this 7th day of May 2001.

BOB DEBUS, M.P.,
Attorney General

FAIR TRADING ACT 1987

Referral to the Products Safety Committee

Section 28(1) of the Fair Trading Act 1987

PURSUANT to section 28(1) of the Fair Trading Act 1987 ("the Act"), I, John Arthur Watkins, Minister for Fair Trading, hereby refer to the Products Safety Committee ("the Committee") for its consideration in respect of goods of the kind specified in Schedule 1, the prescribed questions specified in section 28(3) of the Act which are set out in Schedule 2.

SCHEDULE 1

Goods: Toy or novelty knives comprising a crescent-shaped blade attached by one end to a baton type handle in such a way that the blade may be moved through an arc in the same plane as that of the handle, including, but not limited to the:

- "Karma Knife"
- "Master of Ninja Karma Knife"
- "Kama Knife"
- "Master of Ninja Kama Knife"

SCHEDULE 2

Questions:

- (a) the question whether the supply of the goods should, because they are dangerous, or are a possible source of danger, be prohibited or should be allowed only subject to conditions or restrictions to be specified by the Committee; and
- (b) the question whether the goods should be the subject of a recall order under Part 3 Division 3 of the Act.

DATED this 28th day of March 2001.

JOHN WATKINS, M.P.,
Minister for Fair Trading

FORESTRY ACT 1916**PROCLAMATION**

(L.S.) MARIE BASHIR, Governor

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

SCHEDULE*Eastern Division*

*Land District of Casino; Kyogle Council Area;
North East Forestry Region*

Eden Creek State Forest No. 1013, No. 7 Extension. An area of about 365.1 hectares in the Parish of Queebun, County of Rous, being the land within Portions 208, 325 and 399 delineated on plans catalogued 3198, 9295 and 9296 – 1759 respectively in the Department of Information Technology and Management, Sydney, TOGETHER WITH the land within Lot 407 in Deposited Plan 39657, Lot 2 in Deposited Plan 841912 and Lot 3 in Deposited Plan 842019, EXCLUSIVE OF the reserved road 20.115 metres wide traversing Lot 2 in Deposited Plan 841912; the reserved road 20.115 metres wide traversing Lot 3 in Deposited Plan 842019; and the land within the following boundaries: commencing at the easternmost corner of Lot 1 in Deposited Plan 841912, being also a southern corner of Lot 2 in that Deposited Plan, and bounded thence by lines bearing and distant, successively, 357°18'35" 152.725 m, 350°19'35" 264.86 m, 319°54'10" 282.545 m and 296°43'20" 160.45 m, to a corner on the southwestern side of the reserved road 20.115 metres wide traversing Lot 2 in Deposited Plan 841912; by southwestern boundaries of that road bearing, and distant, successively, 109°33'35" 165.775 m, 142°19'35" 291.62 m, and 169°58'35" 292.57 m, to a southern corner of Lot 2 in Deposited Plan 841912; by a southwestern and a northwestern boundary of Lot 2 aforesaid, bearing and distant, successively, 169°58'35" 15.47 m, and 185°38' 112.82 m, to the point of commencement, having an area of about 9966 square metres. (53332)

Signed and sealed at Sydney, this eighth day of May 2001.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GODSAVETHEQUEEN!

GEOGRAPHICAL NAMES ACT 1966

Notice of Assignment of Geographical Names and
Boundaries for Localities in Weddin Shire

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names and boundaries of the following thirteen Localities in Weddin Shire, to be used as the address, as shown on map GNB3699:

Bimbi, Bribbaree, Bumbaldry, Caragabal, Glenelg, Greenethorpe, Grenfell, Piney Range, Pinnacle, Pullabooka, Quandialla, Warraderry and Wirrinya.

SUBSEQUENT to the determination of names and boundaries for Localities in Weddin Shire, the following assigned names are redesignated as:

Village:	<i>Bumbaldry</i>
Rural Place:	<i>Adelargo, Berendebba, Bogolong, Brundah, Driftway, Iandra, Kellys Creek, Marsden, Mogongong, Quandong, Tyagong and Wirega</i>
Historical Area:	<i>Corner Cattle Camp, Junction Hole and Three Mile Camp</i>
Historical Site:	<i>Ben Halls Homestead, Ben Halls Stockyards and Gardiners Camp</i>

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143 BATHURST 2795

GEOGRAPHICAL NAMES ACT 1966

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

Any person objecting to this proposal may within one (1) month of the date of this notice give to the Secretary of the Board, notice in writing of that objection, setting out the grounds of the objection.

Proposed Name:	Woodfarm Reserve
Designation:	Reserve
L.G.A.:	Blacktown City Council
Parish:	Prospect
County:	Cumberland
Latitude:	33° 45' 04"
Longitude:	150° 51' 42"
C.M.A. Map:	Prospect
1:100,000 Map:	Penrith 9030
Reference:	GNB 4754

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143 BATHURST 2795

LOCAL GOVERNMENT ACT 1993**PROCLAMATION**

(L.S.) MARIE BASHIR, Governor

I, Professor Marie BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1 of Chapter 9 and section 397 of the Local Government Act 1993, do, by this my Proclamation:

- declare that, on 1 July 2001, the Areas of Conargo and Windouran are to be amalgamated so as to constitute a new area having the name the Area of Conargo, and
- declare that, on 1 July 2001, the boundaries of the Area of Conargo are the same as the combined boundaries of the former Areas of Conargo (as described by proclamation in *Government Gazette* No. 183 of 24 December 1912) and Windouran (as described by proclamation in *Government Gazette* No. 163 of 22 December 1909), disregarding the parts of those boundaries that are common to both Areas, and

- (c) declare that the provisions set out in the Schedule to this Proclamation are to apply, on 1 July 2001 (unless another date is stated), to the amalgamation effected by this Proclamation, and
- (d) amend, on 1 July 2001, the Proclamations in force constituting or varying the constitution of the Central Murray County Council by excluding the former Conargo and Windouran Shire Councils as constituent Councils of the County Council and by including the Conargo Shire Council as a constituent Council of the County Council.

Signed and sealed at Sydney, this 18th day of April 2001.

By Her Excellency's Command,

HARRY WOODS, M.P.,
Minister for Local Government

GODSAVETHEQUEEN!

SCHEDULE

1 Definitions

In this Schedule:

amalgamation date means 1 July 2001.

former Area means the former Area of Conargo or Windouran.

former Council means the Council of a former Area.

new Area means the new Area of Conargo.

new Council means the Conargo Shire Council.

the Act means the Local Government Act 1993.

2 First election

- (1) The date of the first election of the Councillors of the new Council is 13 September 2003.
- (2) The election is taken to be an ordinary election of the Councillors for the purposes of the Act and any Regulation under the Act.

3 Wards

- (1) Between the amalgamation date and the date of the first election of the Councillors of the new Council, the Council is taken to have four wards consisting of the three wards of the former Area of Conargo and one ward consisting of the former Area of Windouran.
- (2) The ward division under (1) is to be reviewed in accordance with section 211(4) of the Act before the first election of the Councillors of the new Council.
- (3) Following the first election of the Councillors of the new Council, subclause (1) does not limit the power of the new Council to change the ward arrangements of the new Area under section 210 of the Act.

4 Continuation in office of Councillors and appointment of Councillors

- (1) Subject to section 234 of the Act:
 - (a) All persons who, immediately before the amalgamation date, were Councillors of Conargo Shire Council are to continue in office, as Councillors of the new Council, until the date of the first election of Councillors of the new Council.

- (b) Three Councillors shall be appointed by a method as determined by the Minister under the provisions of section 213(1) of the Act representing the ward comprised of the former Area of Windouran.

- (2) Despite section 292 of the Act, a by-election need not be held if a casual vacancy occurs in the office of Councillor of the new Council in the ward representing the former Area of Windouran, unless the number of Councillors remaining to represent that ward is less than two.

5 Number of Councillors

- (1) The number of Councillors to be elected to the new Council at its first election is eight.
- (2) Subclause (1) does not limit the power of the new Council to redetermine, after the first election of its Councillors, the number of its Councillors under section 224 of the Act.

6 First meeting of new Council

- (1) The Mayor of the new Council is to be elected by the Councillors at the first meeting of the new Council and ceases to hold office when his or her successor is declared to be elected following the next Mayoral election held in accordance with section 290 of the Act or on the occurrence of a casual vacancy in the office of Mayor.

7 Election of Mayor following first election

- (1) The Mayor of the new Council is to be elected by the Councillors as referred to in section 227(a) of the Act.
- (2) Subclause (1) does not limit the power of the new Council to change the basis on which the Mayor attains office by obtaining approval at a constitutional referendum under Part 3 of Chapter 4 of the Act.

8 Appointment of General Manager and other senior staff

- (1) A person to exercise the functions of the General Manager of the new Council is to be appointed at the first meeting of the new Council, the appointment ceasing to have effect on the day on which a General Manager for the new Council takes office under section 334 of the Act.
- (2) If a contract, in force immediately before the amalgamation date, between a former Council and a senior staff member (including the General Manager) of that Council includes a provision requiring an appointment to be made during a period commencing on an amalgamation of areas, the period is taken to commence on the date of the first meeting of the new Council.
- (3) The operation of this clause is not to be regarded as a breach of contract between a former Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils

- (1) Anything that was done or omitted to be done by a former Council, and that had effect immediately before the amalgamation date, continues to have effect as if it had been done or omitted to be done by the new Council.
- (2) Anything that was commenced by a former Council may be completed by the new Council as if it had been commenced by the new Council.
- (3) Without limiting subclause (1), any approval, order or notice that was given or made by a former Council, and that had effect immediately before the amalgamation date, continues to have effect as if it had been given or made by the new Council.

10 Delegations

Any delegation from a former Council that was in force immediately before the amalgamation date is taken to be a delegation from the new Council, and may be amended or revoked accordingly.

11 Codes, policies and plans

- (1) Each of the following codes, policies and plans of the new Council is, as far as practicable, to be a composite of the corresponding codes, policies and plans of each of the former Councils:
 - code of conduct (section 440),
 - code of meeting practice (Division 1 of Part 2 of Chapter 12),
 - local policies for approvals and orders (Part 3 of Chapter 7),
 - expenses and facilities policy (Division 5 of Part 2 of Chapter 9),
 - EEO management plan (Part 4 of Chapter 11),
 - management plan (Part 2 of Chapter 13).
- (2) Subclause (1) ceases to have effect in relation to a code, policy or plan of the new Council when that Council adopts a new code, policy or plan under the relevant provision of the Act.

12 Fees

- (1) The annual fee paid to each Councillor of the new Council and the annual fee paid to the Mayor of the new Council is to be equal to the higher of the corresponding fees paid by the former Councils.
- (2) Subclause (1) ceases to have effect in relation to an annual fee when the new Council fixes the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

13 Organisation structure

- (1) The organisation structure of the new Council is, as far as practicable, to be a composite of the organisation structures of each of the former Councils.
- (2) In particular, any position that, immediately before the amalgamation date, was a senior staff position in relation to a former Council is taken to be a senior staff position in relation to the new Council.

- (3) This clause ceases to have effect when a new organisation structure is determined by the new Council under Part 1 of Chapter 11 of the Act.

14 Transfer of staff

- (1) Each member of staff of a former Council (a *transferred staff member*) is transferred to the new Council.
- (2) The terms and conditions of employment of a transferred staff member (including terms and conditions as to remuneration and allowances) are, on the staff member being transferred, to be the same as those on which the staff member was employed by the former Council from which he or she was transferred.
- (3) The senior staff of each former Council are taken to be senior staff of the new Council.
- (4) For the purposes of any law under which a transferred staff member is entitled to benefits in connection with his or her service as a staff member of the new Council, including benefits in the nature of leave and superannuation entitlements, service by the staff member with the former Council from which he or she was transferred is taken to be service with the new Council, but not so as to entitle the staff member to multiple benefits of the same kind in respect of the same period of service.
- (5) Any award or industrial agreement applying immediately before the amalgamation date to a staff member employed by a former Council, is to continue to apply to the staff member on being transferred to the new Council until the award or agreement ceases to apply.
- (6) Subject to the terms of any award or industrial agreement, whether arising before or after the amalgamation date:
 - (a) a transferred staff member is not to be dismissed or retrenched by the new Council on the ground of redundancy, and
 - (b) the terms and conditions on which a transferred staff member is employed by the new Council are not to be varied so as to render them less advantageous to the staff member than the terms and conditions referred to in subclause (2), and
 - (c) a transferred staff member is not to be required by the new Council to work outside the general locality in which the staff member was required to work by the former Council immediately before the transfer if such a requirement would cause the staff member to suffer unreasonable hardship, except at the request, or with the consent, of the staff member concerned.
- (7) The provisions of subclause (6):
 - (a) do not apply to senior staff of the new Council, and
 - (b) cease to have effect in relation to any other staff of the new Council on the date occurring 3 years after the amalgamation date.

15 Transfer of assets, rights and liabilities

- (1) The assets, rights and liabilities of the former Councils are transferred to the new Council.
- (2) The following provisions have effect in relation to any assets, rights or liabilities that are transferred by operation of subclause (1):
 - (a) the assets of the former Councils vest in the new Council by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
 - (b) the rights or liabilities of the former Councils become, by virtue of this clause, the rights or liabilities of the new Council,
 - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the former Councils or a predecessor of any of the former Councils, and pending immediately before the transfer, are taken to be proceedings pending by or against the new Council,
 - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the former Councils or a predecessor of any of the former Councils is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Council.

- (1) In this clause:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent), and includes liabilities relating to criminal acts.

rights means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

16 General provisions with respect to transfers

- (1) A transfer effected by this Schedule takes effect on the amalgamation date.
- (2) The Minister may, by notice in writing, confirm a transfer effected by this Schedule.
- (3) Such a notice is conclusive evidence of the transfer.

17 Effect of transfer on third party rights

- (1) The operation of clause 15 (Transfer of assets, rights and liabilities) is not to be regarded:
 - (a) as an event of default under any contract or other instrument, or
 - (b) as a breach of contract or confidence or otherwise as a civil wrong, or

- (c) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (d) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

- (2) No attornment to the new Council by a lessee from the former Council is required in relation to a transfer effected by clause 15.
- (3) No compensation is payable to any person or body in connection with a transfer effected by clause 15.
- (4) Subclause (3) does not affect the rights of any person or body in connection with the early termination of a contract between a former Council and that person or body.

18 Council records and reports

- (1) Until 30 June 2002:

- (a) the new Council's records may be kept:
 - (i) as a single set of records, or
 - (ii) as a continuation of the records of each of the former Councils.
- (b) If the new Council's records are kept as a continuation of the records of each of the former Councils, the new Council's financial transactions are to be apportioned between the various accounting records in such manner as the Council determines.

- (2) In this clause, *records* includes accounting records.

19 Reports and reviews of new Council

- (1) A duty of the new Council under any Act, including a duty to report or review, which relates to a period before the amalgamation date, may be performed by reference to the former Areas and the former Councils, as appropriate, or by combining the information in a single report to satisfy the duty, as appropriate.
- (2) Notwithstanding subclause (1), the financial reports for the two former Areas for the year ending 30 June 2001 are to be prepared as separate documents.

20 Auditor

- (1) The two existing Auditors of the former Councils are to complete the auditing responsibilities for the year 2000/2001 in accordance with their existing contracts.
- (2) The new Council is to appoint an Auditor in accordance with Division 3 of Part 3 of Chapter 13 of the Act.

21 References to former areas and councils

In any Act, in any instrument made under any Act or in any document of any kind:

- (a) a reference to any of the former Areas, or to a predecessor of any of the former Areas, is taken to include a reference to the new Area and is to be read as a reference to the new Area, and

- (b) a reference to any of the former Councils, or to a predecessor of any of the former Councils, is taken to include a reference to the new Council and is to be read as a reference to the new Council.

22 Statement of Intent

In proposing the amalgamation, the former Councils have asked that the new Council take account of their following views:

- Wards of the new Council should be assigned names with the ward representing the former Area of Windouran named 'Windouran ward'.
- The level of expenditure on works programs in each of the former Areas should be maintained by the new Council at a minimum of the equivalent level of expenditure on works programs allocated in the budget of the former Councils.
- Proceeds from the sale of surplus assets from the former Council of Windouran should be allocated in the following order:
 - (i) to establish reserves at equivalent levels to those existing at the amalgamation date in the former Council of Conargo; then
 - (ii) to address specific infrastructure deficiencies in the Area of the new Council.
- Benefits consequential upon the process of rationalisation and improving efficiency should be allocated between the former Areas of Windouran and Conargo in a manner equitable to the residents and ratepayers of each of the former Areas.
- The amalgamation of the former Councils provides an opportunity to develop expertise in the new Council's administrative structure to address future environmental, regulatory and other issues.
- The new Council should not consider boundary adjustments with adjoining Councils without consultation with the affected residents and ratepayers.
- The services provided by each of the former Councils should be continued by the new Council at a level at least the equivalent of that provided by the former Councils.

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels within certain navigable waters – Maritime Services Act 1935

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

Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class - All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations – NSW.

TABLE OF AREA AND MAXIMUM SPEED

First Column	Second Column
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<p><u>Lake Eucumbene (Eucumbene Cove) Area:</u> The navigable waters of that part of Lake Eucumbene south of a line commencing from a point on the shore adjacent to the Eucumbene Cove slipway located approximately two hundred (200) metres west of the western extremity of the Eucumbene Dam wall in a generally westerly direction for three hundred (300) metres to the eastern extremity of an unnamed point on the opposite shore.</p>	<p>Four Knots</p>
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Dated this 3rd day of May 2001.

MATTHEW TAYLOR,
Chief Executive
Waterways Authority

POISONS AND THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the order prohibiting Heather Greenwood of 134 Farmborough Road, Farmborough Heights, 2526, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 103 and 105 of the Regulation, shall cease to operate from Friday 11 May 2001.

MICHAEL REID,
Director-General

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the MINANG SAIYO INCORPORATED to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Soccer.

Date: 18 April 2001

JOHN GRABUTT,
Acting Chairperson

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the NEWCASTLE/HUNTER DRAGON BOAT CLUB INCORPORATED to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Dragon Boating.

Date: 18 April 2001

JOHN GRABUTT,
Acting Chairperson

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the WOOLGOOLGA TOUCH ASSOCIATION to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Touch Football.

Date: 19 April 2001

JOHN GRABUTT,
Acting Chairperson

**THE ZOOLOGICAL PARKS BOARD ACT 1973
(Part 2, Section 10(f)) AS AMENDED BY THE
ZOOLOGICAL PARKS BOARD AMENDMENT
ACT 2000**Resignation of Member of
The Zoological Parks Board of NSW

I, Bob DEBUS, Minister for the Environment, in pursuance of Part 2, section 10 (f) of the Zoological Parks Board Act 1973, as amended by the Zoological Parks Board Amendment Act 2000, do hereby accept the resignation of Ms Judith GIBSON as a Member of the Zoological Parks Board of New South Wales with effect from 20 February 2001.

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

**NATIONAL PARKS AND WILDLIFE ACT 1974
AND WILDERNESS ACT 1987**

Declaration of Wilderness Area

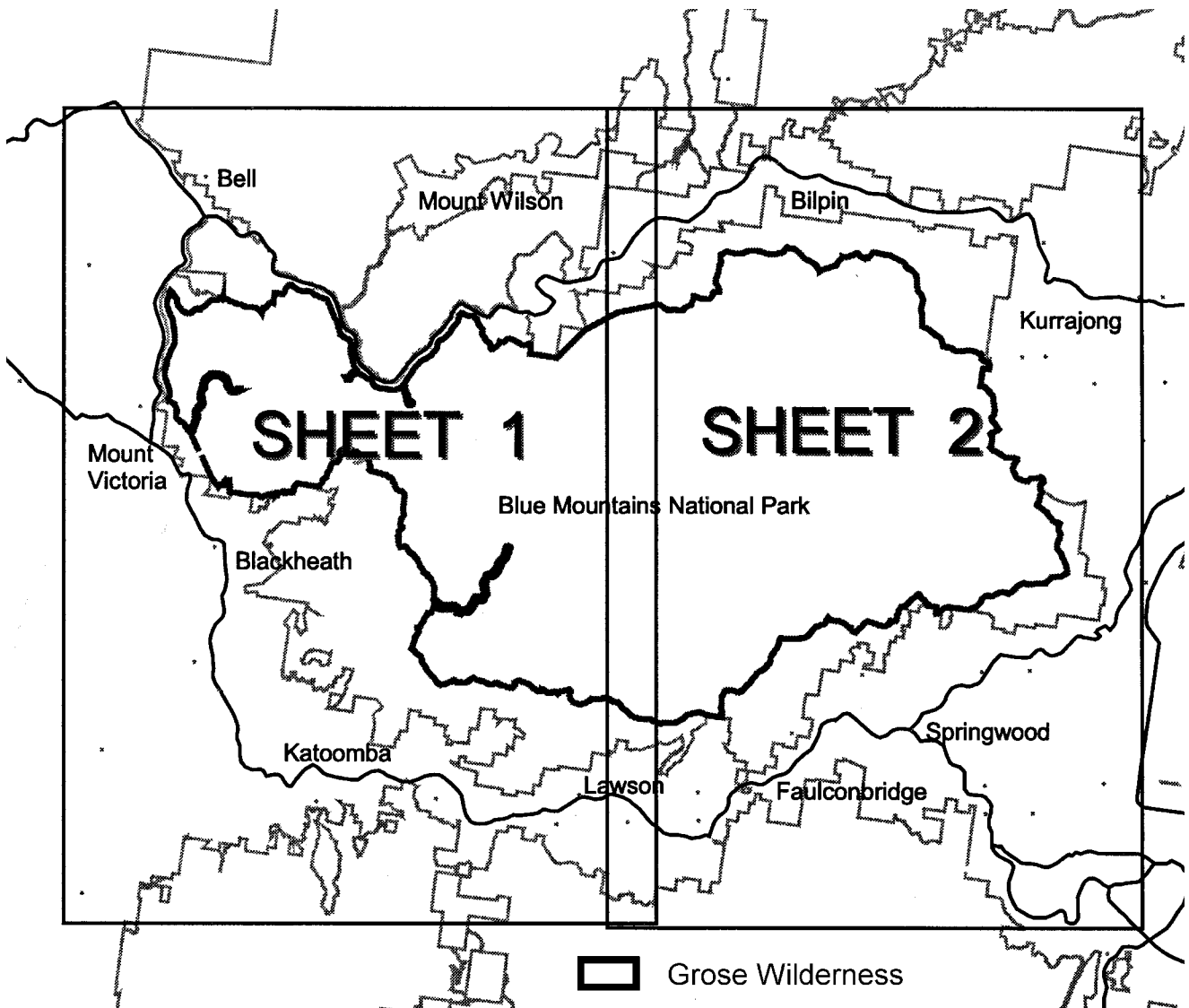
I, Robert John DEBUS, Minister for the Environment in the State of New South Wales, declare the land hereunder within Blue Mountains National Park to be a wilderness area under the provisions of section 59 (1) of the National Parks and Wildlife Act 1974 and section 8 (1A) of the Wilderness Act 1987 and to be known as the Grose Wilderness as indicated.

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

Description

*Land Districts – Penrith and Windsor;
LGA – Blue Mountains and Hawkesbury*

County Cook, Parishes Blackheath, Irvine, Bilpin, Burrellow, Nepean, Coomassie, Woodford, Grose & Jamison, about 37,901 hectares, being the area shown by hatching in the diagrams following; NPWS/F/3137.

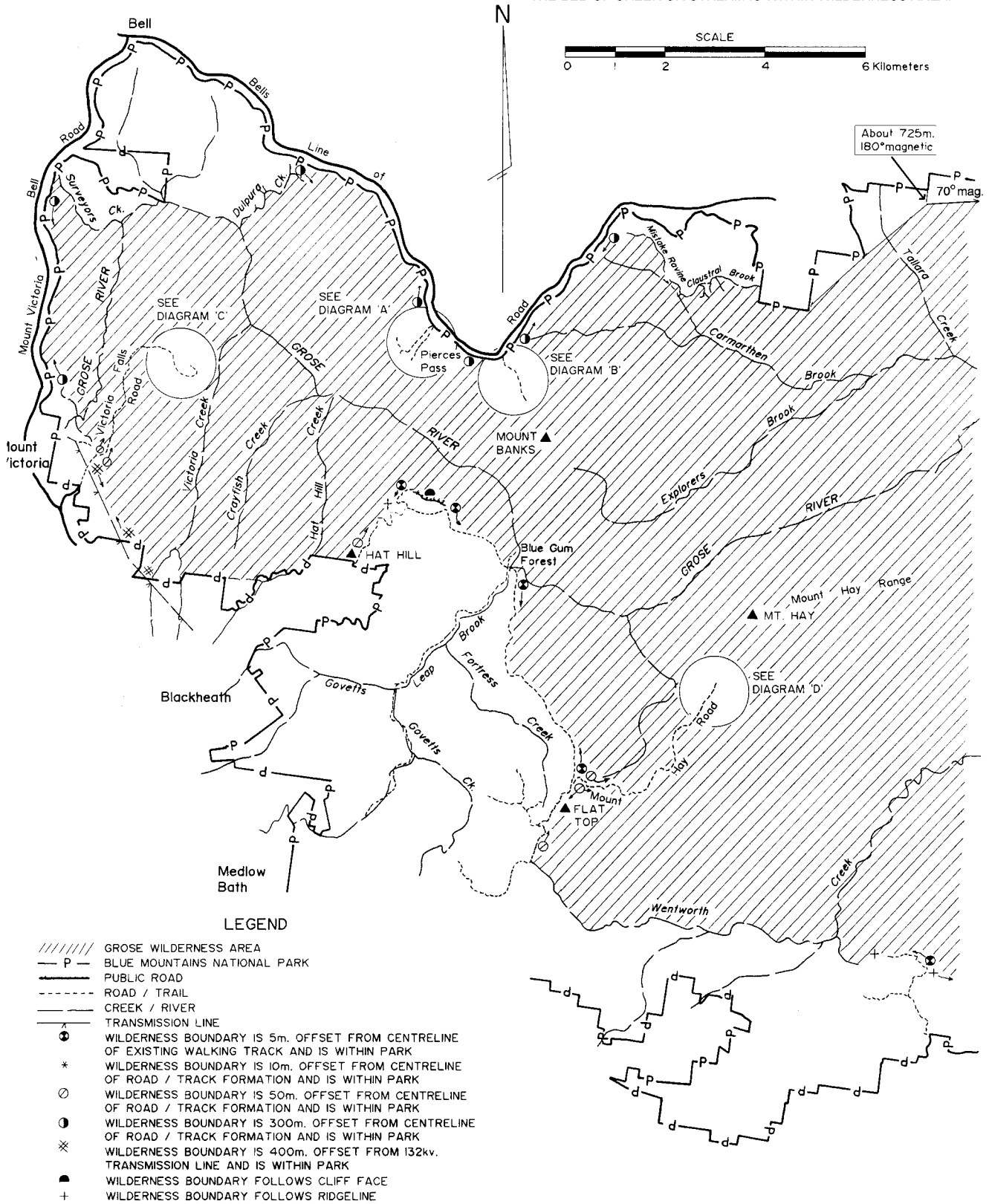


SHEET 1

GROSE WILDERNESS

NOTES:

EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS PARK BOUNDARY. WHERE CREEK OR STREAM IS PART OF WILDERNESS BOUNDARY THE BED OF CREEK OR STREAM IS WITHIN WILDERNESS AREA.



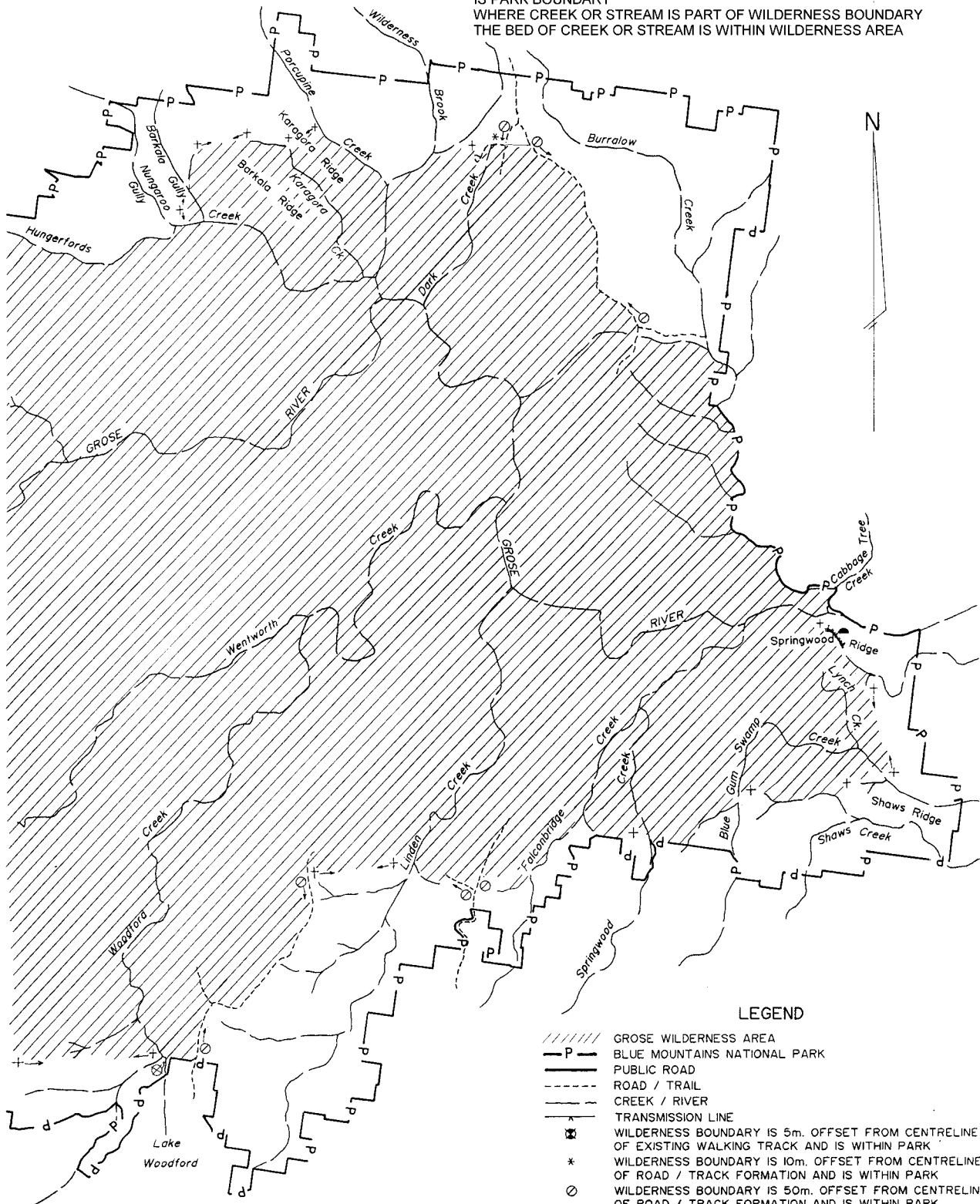
LEGEND

- ////// GROSE WILDERNESS AREA
- P - BLUE MOUNTAINS NATIONAL PARK
- PUBLIC ROAD
- - - ROAD / TRAIL
- CREEK / RIVER
- TRANSMISSION LINE
- ⊙ WILDERNESS BOUNDARY IS 5m. OFFSET FROM CENTRELINE OF EXISTING WALKING TRACK AND IS WITHIN PARK
- * WILDERNESS BOUNDARY IS 10m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK
- ⊙ WILDERNESS BOUNDARY IS 50m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK
- ⊙ WILDERNESS BOUNDARY IS 300m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK
- ⊗ WILDERNESS BOUNDARY IS 400m. OFFSET FROM 132kv. TRANSMISSION LINE AND IS WITHIN PARK
- ▲ WILDERNESS BOUNDARY FOLLOWS CLIFF FACE
- + WILDERNESS BOUNDARY FOLLOWS RIDGELINE

SHEET 2

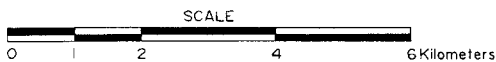
GROSE WILDERNESS

NOTES:
 EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS PARK BOUNDARY
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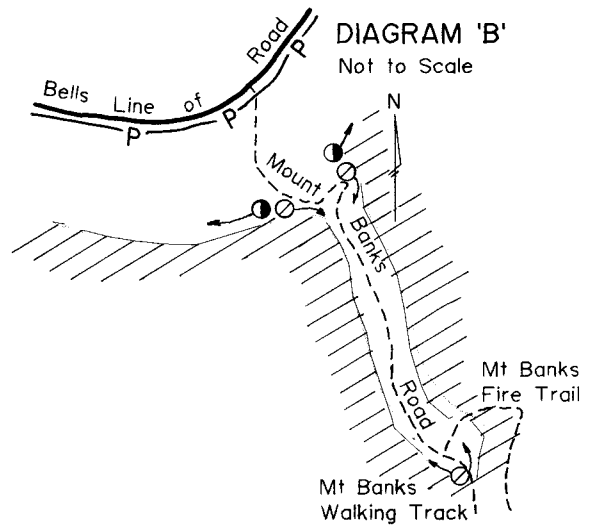
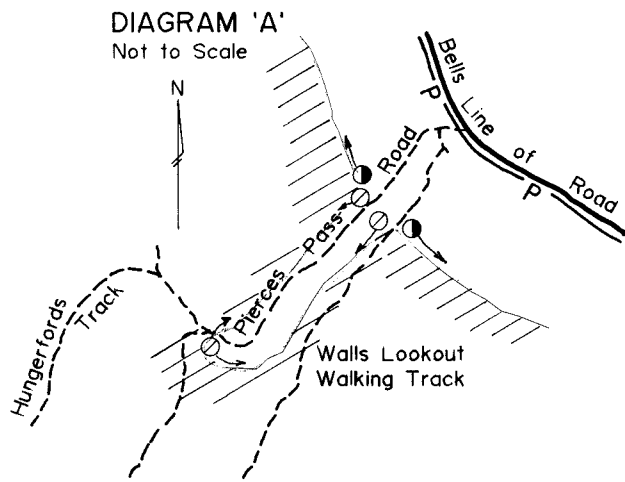


LEGEND

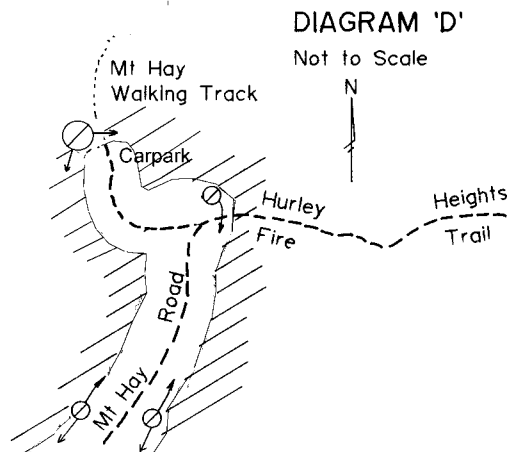
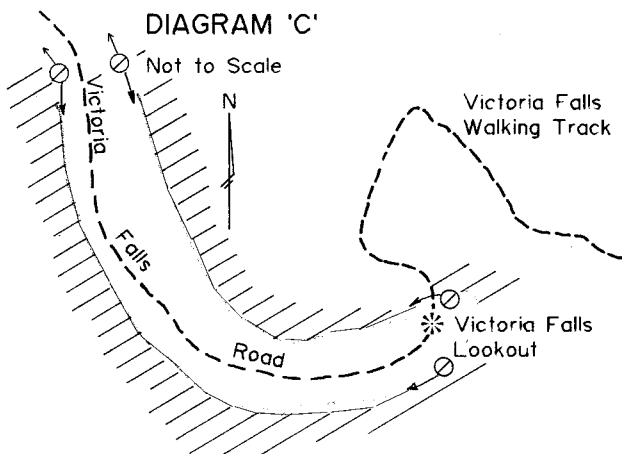
- ////// GROSE WILDERNESS AREA
- P - BLUE MOUNTAINS NATIONAL PARK
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- - - ROAD / TRAIL
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- ⊗ WILDERNESS BOUNDARY IS 5m. OFFSET FROM CENTRELINE OF EXISTING WALKING TRACK AND IS WITHIN PARK
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- ⊙ WILDERNESS BOUNDARY IS 50m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK
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- ⊗ WILDERNESS BOUNDARY IS 400m. OFFSET FROM 132kv. TRANSMISSION LINE AND IS WITHIN PARK
- WILDERNESS BOUNDARY FOLLOWS CLIFF FACE
- + WILDERNESS BOUNDARY FOLLOWS RIDGELINE



INSET DIAGRAMS



- WILDERNESS BOUNDARY IS 50m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK
- WILDERNESS BOUNDARY IS 300m. OFFSET FROM CENTRELINE OF ROAD / TRACK FORMATION AND IS WITHIN PARK



TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, NSW 2000, up til 9.30 am on the dates shown below:

9 May 2001

014/7174 PROVISION OF AUDIT AND AUDIT RELATED SERVICES. DOCUMENTS: \$220.00 PER SET

10 May 2001

S01/00065 (6028) RAIL SERVICES AUST(RIC) – GRANVILLE. CATEGORY C. INSPECTION DATE AND TIME: 26 APRIL 2001 AT 10:30 AM SHARP. AREA: 1,584 SQUARE METRES. DOCUMENTS: \$27.50 PER SET

22 May 2001

ITS2317 SUPPORT SERVICES FOR THE IMPLEMENTATION OF ESS (PAYROLL AND PERSONNEL). DOCUMENTS: \$220.00 PER SET

23 May 2001

016/7173 CATEGORY 7 RURAL FIRE APPLIANCES. DOCUMENTS: \$55.00 PER SET

24 May 2001

ITS2323 RECORDS AND INFORMATION MANAGEMENT SYSTEMS – GSAS. DOCUMENTS: \$220.00 PER SET

01/17169 CANTEENS TAFE AT CAMPBELLTOWN, GRANVILLE, MACQUARIE FIELDS AND MILLER. DOCUMENTS: \$110.00 PER SET

29 May 2001

015/436 PAPER, PHOTOCOPY AND SPECIALIST PRINTING. DOCUMENTS: \$110.00 PER SET

30 May 2001

ITS2100 COMPUTER MAINTENANCE SERVICES. DOCUMENTS: \$220.00 PER SET

00/2739 ADMISSION SYSTEM. DOCUMENTS: \$220.00 PER SET

01/7175 SCHOOL CERTIFICATE TEST PAPERS. DOCUMENTS: \$110.00 PER SET

01/7177 HIGHER SCHOOL CERTIFICATE TEST PAPERS - 2001 HSC VOLUME 3M. DOCUMENTS: \$110.00 PER SET

01/7176 HIGHER SCHOOL CERTIFICATE TEST PAPERS - 2001 HSC VOLUME 1E. DOCUMENTS: \$110.00 PER SET

5 June 2001

014/314 FENCING MATERIALS AND GATES - SUPPLY, HIRE AND INSTALLATION. DOCUMENTS: \$110.00 PER SET

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be express posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further information is available on the Internet.

(<http://www.dpws.nsw.gov.au/tenders>)

CHAIRMAN,
State Contracts Control Board.

DEPARTMENT OF HOUSING

Tenderers are required to comply with the New South Wales Government's Code of Practice and Tendering for the Construction Industry.

SOUTHWESTERN SYDNEY REGIONAL OFFICE**LAWNMOWING / CLEANING**

CLOSING 10.00 AM TUESDAY 22 MAY 2001

- (1) BONNYRIGG (JOB No. SCL023)
- (2) EDENSOR PARK (JOB No. SCL 024)
- (3) LIVERPOOL (JOB No. SCL026)

Maintenance of lawns/grounds and common area cleaning.

Phone: 9821 6336.

Tender Fee: \$55.00 (GST included) per tender, **cheque only** to be made out to Department of Housing.

Tender documents are available from SouthWestern Sydney Regional Office, Level 8, 23-31 Moore Street Liverpool. The tender box is located on the ground floor.

CLOSING 10.00 AM TUESDAY MAY 29, 2001.

- 1) HAMMONDVILLE / MOOREBANK (JOB NO SCL 027)
- 2) WARWICK FARM (JOB NO SCL 028)

Maintenance of Lawns / Grounds and Common area Cleaning

Phone: 9821 6336

Tender Fee: - \$55.00 (GST Included) per tender, **cheque only** to be made out to Department of Housing.

Tender documents are available from SouthWestern Sydney Regional Office, Level 8, 23-31 Moore Street Liverpool. The tender box is located on the ground floor.

CONSULTANCY SERVICES

CLOSING 10.00 AM FRIDAY 25 MAY 2001

The NSW Department of Housing requires the services of a consultant to provide consultancy services to measure tenant satisfaction in NSW at a State, Regional and team level for 2001.

Phone: (02) 9821 6640 (Ms Dayna Greenfield)

Tender Fee: \$110.00 (GST inclusive) per tender, **cheques only** to be made out to Department of Housing.

Tender documents are available from South Western Sydney Regional Office, Level 10, 23-31 Moore Street Liverpool. The tender box is located on the ground floor.

WESTERN SYDNEY REGIONAL OFFICE**LAWNMOWING / CLEANING**

CLOSING 10.00 AM TUESDAY MAY 29, 2001

- 1) GUILDFORD / MERRYLANDS (JOB NO WSG 063)
- Lawns / Grounds Maintenance and Cleaning
12 Sites / Two Year Contract

REPAIRS / PAINTING

- 1) BLACKTOWN / LALOR PARK / SEVEN HILLS
(JOB NO WSR 1722)
- External Repairs / External Painting to 406 Properties

Tender Fee: - \$55.00 (GST Included) per tender payable by cheque or money order.

Phone: 9891-8402 / 9891-8180

Tender documents are available from Western Sydney Regional Office; 106-108 Church Street Parramatta and tenders close at that office.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CESSNOCK CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Bilby Close and Echidna Close

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

<i>Description</i>	<i>Name</i>
The road at Bellbird from Edden Street west of Lot 1, DP 578973 in the Parish of Pokolbin, County of Northumberland and Local Government Area of Cessnock.	Bilby Close.
The road at Bellbird from Edden Street east of Lots 14 and 15, DP 1022815; Lot 2, DP 856391 and Lots 16, 17 and Part 18, DP 1022815 in the Parish of Pokolbin, County of Northumberland and Local Government Area of Cessnock.	Echidna Close.

C.COWAN,
General Manager
Cessnock City Council, Administration Centre,
62-78 Vincent Street, Cessnock,
NSW 2325. (Reference: 134/904).

[0395]

COFFS HARBOUR CITY COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

NOTICE is given to section 553 of the Local Government Act 1993 that water mains have been extended and the properties served are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Water Local Rate after twenty-one (21) days from the date of this notice. Land connected before the expiration of the twenty-one (21) days shall be rated to the Local Rate from the date of connection. COFFS HARBOUR CITY COUNCIL, Locked Bag 155, Coffs Harbour, NSW 2450.

SCHEDULE

Boambee: Lots 199, 206/208, DP 1011226 Worland Drive and Lots 200/205, DP 1011226 being Payne Close as shown on Plan 99/13/1S Wae.

Sapphire: Lots 1/11, DP 1025158 being Alpini Place as shown on Plan 00/34/1W Wae.

Coffs Harbour: 92, 94 and 96 Taloumbi Road as shown on Plan 00/30/1W Wae. Lots 501/515, DP 1013231 Adelines Way and Lots 601/611, DP 1017094 being Morton Bay Avenue as shown on Plan 00/20/1W Wae.

Pacific Bay, Northern Townhouses as shown on Plan 99/35/1 and 2 W Wae.

Korora: Lots 1/7, DP 270222 being Bangalow Waters, 95 James Small Drive as shown on Plan 99/16/1W Wae.

Toormina: Lots 1/7 in proposed subdivision of Lots 11/12 and 14, DP 617173 Barcoo Court as shown on Plan 00/33/1S Wae.

Woolgoolga: Lots 1/2, DP 1012577 being 2 and 4 Vista Close as shown on Plan 99/47/1W Wae.

Extension of Sewer Mains

NOTICE is given to section 553 of the Local Government Act 1993 that sewer mains have been extended and properties served are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Sewerage Local Rate after sixty (60) days from the date of this notice. Land connected before the expiration of the sixty (60) days shall be rated to the Local Rate from the date of connection.

SCHEDULE

Sawtell: Lots 31/32, DP 1024247 being 7 and 7A Seventh Avenue as shown on Plan 99/23/1S Wae.

Korora: Lots 640/641 in proposed subdivision of 23 Fernleigh Avenue as shown on Plan 00/32/1S Wae.

Lots 1/7, DP 270222 being Bangalow Waters, 95 James Small Drive as shown on Plan 99/16/1W Wae.

Lots 1/2, DP 1012110 being 13 and 15 Bellevue Drive as shown on Plan 99/48/1S Wae.

Lots 1/4, DP 883025 being 78, 80, 82 and 84 James Small Drive as shown on Plan 00/6/1S Wae.

Sapphire: Lots 1/11, DP 1025158 being Alpini Place as shown on Plan 00/34/1S Wae.

Lot 2, DP 547932 and Lots 2/3, DP 628408 being 12, 12A, 18, 28/32 Split Solitary Road as shown on Plan 99/2/1S Wae.

Coffs Harbour: 59-73 Pearce Drive; Lot 8, DP 850866; Lot 4, DP 851195; Lot 83, DP 1004713 Pearce Drive; 2A-16 Hull Close as shown on Plan 01/04/1S Wae.
 Lot 24, section H, DP 8957 being 26 Long Street as shown on Plan 01/03/1S Wae.
 4 and 6 Blacker Close; 42, 46, 48 and 50 Shephards Lane as shown on Plan 990104 S Wae.
 Lots 1/9, DP 1014825; Lot 101, DP 1017575 Rosalee Close; Lot 102, DP 1017575 and Lots 11/16, DP 1014825 William Sharpe Drive as shown on Plan 99/45/15S Wae.
 92, 94 and 96 Taloumbi Road as shown on Plan 00/30/1S Wae.
 Pacific Bay, Northern Townhouses as shown on Plan 99/35/1S Wae.
 Lots 1/2, DP 1022408 being North Boambee Road and Pacific Highway as shown on Plan 00/2/1S Wae.
 Lots 1/3, DP 1016977 being Driftwood Court as shown on Plan 00/18/1S Wae.
 Lots 1/3, DP 1014799 being 64 and 66 Mildura Street and 72 Hood Street as shown on Plan 00/7/1S Wae.
 Lots 501/515, DP 1013231 Adelines Way and Lots 601/611, DP 1017094 being Morton Bay Avenue as shown on Plan 00/20/1S Wae.
 Sewer main extension on 1 Vera Drive as shown on Plan 00/17/1S Wae.
 Lots 41/42, DP 1012062 being 19 and 19A Bolwarra Road as shown on Plan 00/11/1S Wae.
 Proposed subdivision of Lots 11/12, section 69, DP 758258 being 8 Short Street as shown on Plan 00/36/1S Wae.

Boambee: Lots 199, 206/208, DP 1011226 Worland Drive and Lots 200/205, DP 1011226 being Payne Close as shown on Plan 99/13/1S Wae.
 Lots 100/101, DP 883777 being 2 Avonleigh Drive and 27 Bruce King Drive and Lot 3, DP 1016355 being 29 Bruce King Drive as shown on Plan 00/26/1S Wae.

Toormina: Lots 1/7 in proposed subdivision of Lots 11/12 and 14, DP 617173 Barcoo Court as shown on Plan 00/33/1S Wae.

Woolgoolga: 58 and 60 Melaleuca Avenue as shown on Plan 99/31/1S Wae.
 Lots 1/2, DP 1012577 being 2 and 4 Vista Close as shown on Plan 99/47/1S Wae.
 Lot 12, DP 759113 being 53 Market Street as shown on Plan 94/38/1S Wae.
 Lot 4, DP 747586 being 65 Newmans Road and Lot 1, DP 859080 being 63 Newmans Road as shown on Plan 00/2/1S Wae.

1, 1A, 2, 3, 3A, 4/13, 18, 20, 22, 24, 26, 28, 30 Strawberry Close and 1, 3, 5, 7 Punnett Close as shown on Plan 91/21/3S Wae.

Emerald Beach: All land, except public reserves, having frontage to Fiddaman Road, Lights Street, Drummer Close, Beacon Close, Taylor Close, Fishermans Drive, Island View Street, Schnapper Close, Bluff Road, Bream Close, Marlin Close, Dammerel Crescent, Ocean View Close, Flagstaff Avenue, Surf Street, Semaphore Street, Signal Street, Lighthouse Crescent as shown on Plans 60114 (9) and (10).

Moonee Beach: All land, except public reserves, having frontage to Moonee Beach Road, Woodhouse Road, Parish Close, Rushton Avenue, Wansborough Avenue, Dawn Drive, The Corso as shown on Plans 60013 (3) and (4).

[0399]

MULWAREE SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road – Chettle Lane

NOTICE is hereby given that Mulwaree Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the road shown below:

<i>Locality</i>	<i>Description</i>	<i>Name</i>
Gundry	Road leading east off Kooringaroo Road, 0.5 kilometres from the Mountain Ash Road.	Chettle Lane

Dated 7th May, 2001. R. MOWLE, General Manager, Mulwaree Shire Council, Council Chambers, Goulburn, NSW 2580.

[0387]

PARRAMATTA CITY COUNCIL

Erratum

Roads Act 1993, Section 10

Notice of Dedication of Land as Public Road at Parramatta in the Parramatta City Council Area

THE Parramatta City Council in accordance with the resolution of Council, Minute No. 10064 of 5th March, 2001 dedicates the land described in the Schedule below as public road under the Roads Act 1993. T. BARNES, General Manager, Parramatta City Council, PO Box 32, Parramatta, NSW 2124.

SCHEDULE

All of the parcel of land situated in the Parramatta City Council area, at Parramatta, Parish of St John, County of Cumberland shown as Lot 7, Deposited Plan 240476.

[0400]

WYONG SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Wyong Shire Council declares, with the approval of His Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land

Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Wyong, 3rd May, 2001. E. J. BURGESS for J. S. Dawson, General Manager, Wyong Shire Council, PO Box 20, Wyong, NSW 2259.

SCHEDULE

Lot 1, Deposited Plan 1018374.

[0401]

URANA SHIRE COUNCIL

Local Government Act 1993

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Council of the Shire of Urana has resolved in pursuance of section 713 (2) (b) of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest, and on which the amount of rates and charges stated in each case, as at 10th April, 2001, is due.

<i>Owners or persons having interest in the land</i>	<i>Description of land</i>	<i>Amount of rates (including extra charges) overdue for more than five years</i>	<i>Amount of all other rates (including extra charges) due and in arrears</i>	<i>Total</i>
(a)	(b)	(c)	(d)	(e)
		\$	\$	\$
Mr P. BARTHELSON.	Lot 10, section 4, DP 758386, Village of Coorabin.	100.61	375.11	475.72
Mr P. BARTHELSON.	Lot 6, section 7, DP 758386, Village of Coorabin.	97.01	323.44	420.45
Mr P. BARTHELSON.	Lot 16, section 8, DP 758386, Village of Coorabin.	95.45	287.86	383.31
Mr J. W. CREENAUNE.	Lot 1, section 12, DP 758804, Thomber Street, Oaklands.	1,013.40	3,350.04	4,363.44
B. W. THOMAS, A. J. THOMAS, N. L. THOMAS and C. L. THOMAS.	Lot 1, section 16, DP 758804, Young Street, Oaklands.	889.29	4,633.07	5,522.36
Mr P. BARTHELSON.	Lot 7, section 3, DP 758820; Lot 8, section 3, DP 758820, Village of Overton.	97.52	395.09	492.55
Mr R. G. and Mrs E. R. BURDEN.	Lot 7, DP 16017, Murray Street, Oaklands.	781.37	2,104.38	2,885.75

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 Council for payment of all such rates being entered into by the rateable person before the fixed time of sale, the said land will be offered for sale by public auction. The auction will be held at the Oaklands CWA Building on Wednesday, 15th August, 2001 at 2.00 p.m., for all properties. Auctioneer: J. M. Smith & Co. D. A. HOVENDEN, General Manager, Urana Shire Council, PO Box 55, Urana, NSW 2645.

[0392]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of MICHAEL DAVID WOODHAM, late of 45/130 Reservoir Road, Blacktown, in the State of New South Wales, inventory manager, who died on 19th September, 2000, must send particulars of his claim to the executrix, Tracy Woodham (also known as Xiao Hong Yang), c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 18th April, 2001. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644

[0388]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of COLIN SAMUEL GAUNT, late of 6 Venetta Road, Glenorie, in the State of New South Wales, electrician, who died on 2nd February, 2001, must send particulars of his claim to the executrix, Lynda Yvonne Kozor, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 18th April, 2001. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644

[0389]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of LINDA MAY HATCH, late of 4 Towner Gardens, Pagewood, in the State of New South Wales, who died on 5th September, 2000, must send particulars of his claim to the executors, Glenda Therese Mary Hatch and Lyaall Francis Hatch, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 26th April, 2001. SIMPSON & CO., Solicitors, 103A Anzac Parade (PO Box 340, Kensington, NSW 1465), Kensington, NSW 2033, tel.: (02) 9662 4381.

[0390]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of ALAN WILLIAM GOULD, late of 480 Guildford Road, Guildford, in the State of New South Wales, spray painter, who died on 18th January, 2001, must send particulars of his claim to the executor, Vincent Parr, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, 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 he has notice. Probate was granted in New South Wales on 12th April, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0397]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of PETER JOHN ROBINSON, late of 29 Henson Street, Merrylands, in the State of New South Wales, who died on 25th October, 2000, must send particulars of his claim to the executors, Patricia Ryan, John Dignam and Margaret Ryan, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 27th April, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0398]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of DOROTHY ALICIA FERGUSON DEGER, late of Potts Point, in the State of New South Wales, company director, who died on 1st March, 2001, must send particulars of his claim to the executrices, Jennifer Alicia Deger, Victoria Margaret Deger and Elisabeth Lorna Seres, c.o. Makinson & d'Apice, Solicitors, Level 18, 68 Pitt Street, Sydney, within one (1) calendar month from publication of this notice. After that time the executrices 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 2nd May, 2001. MAKINSON & d'APICE, Solicitors, 68 Pitt Street, Sydney, NSW 2000 (DX 296, Sydney), tel.: (02) 9233 7788.

[0402]

COMPANY NOTICES

NOTICE of voluntary winding up. – BENTON ENTERPRISES PTY LIMITED (In voluntary liquidation), ACN 050 067 215. – Notice is hereby given that at an extraordinary general meeting of the abovenamed company, duly convened and held at the offices of Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale on 17th April, 2001 the following special resolution was duly passed: "That the company be wound up voluntarily". On the same day pursuant to section 495 (1), it was resolved that Kevin John Pike of Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale be appointed liquidator of the company for the purposes of winding up the affairs and distributing the assets of the company. Dated 1st May, 2001. K. J. PIKE, Liquidator, c.o. Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale, NSW 2350, tel.: (02) 6774 8400.

[0391]

NOTICE of resolutions passed (appointment of joint liquidators). – PARATUNE PTY LIMITED, ACN 000 581 260. – Notice is hereby given that at a meeting of members and of creditors of the abovenamed company held on 1st May, 2001 the following special and ordinary resolutions were passed, respectively: "That the company be wound up voluntarily" and "That J. E. Star and N. C. Malanos be appointed joint liquidators of the company". Dated 2nd May, 2001. J. E. STAR and N. C. MALANOS, Joint Liquidators, c.o. Star, Dean-Willcocks, Chartered Accountants, Level 1, 32 Martin Place, Sydney, NSW 2000, tel.: (02) 9223 2944.

[0393]

NOTICE of voluntary winding up. – HALKISTON HOLDINGS PTY LIMITED, ACN 000 319 728. – Notice is hereby given that at a general meeting of the above company held on 8th May, 2001 the following special resolution was passed: “That the company be wound up voluntarily and that John Waiter McEwen be appointed liquidator at a remuneration to be agreed with the shareholders”. J. W. McEWEN, Liquidator, 1 Reina Street, North Bondi, NSW 2026, tel.: (02) 9130 1233. [0394]

NOTICE of winding up Order. – CUZ CONCRETE PTY LIMITED (In liquidation), ACN 082 759 948. – On 3rd May, 2001 the Supreme Court of New South Wales, Equity Division made an Order that the abovenamed company be wound up by the Court and appointed me to be official liquidator. G. THOMAS, c.o. Gavin Thomas & Partners, Level 9, 31 Market Street, Sydney, NSW 2000. [0396]
